

**[ MTC RESOLUTION NO. 10, S. 1999, November 09, 1999 ]**

**REVISED RULES AND REGULATIONS IMPLEMENTING LOI NO. 1404 ESTABLISHING THE MARITIME TRAINING COUNCIL**

WHEREAS, under Section 1 of Letter of Instructions No. 1404 dated May 1, 1984, the Maritime Training Council is established to give effect to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers;

WHEREAS, the Maritime Training Council is empowered under Section 2, paragraph 5 of LOI No. 1404, to formulate rules and regulations to implement the 1978 STCW Convention and to attain the objectives of the said Letter of Instructions;

WHEREAS, the Maritime Training Council on October 12, 1986 promulgated the Implementing Rules and Regulations of LOI No. 1404 to establish the rules and functions of its member-agencies in order to fulfill the obligation of the Philippines under the STCW Convention;

WHEREAS, on January 30, 1997, the President of the Philippines issued Executive Order No. 396, "Providing the Institutional Framework for the Administration of Standards of Training, Certification and Watchkeeping for Seafarers in the Philippines" and amended by Executive Order No. 149 which further defines the responsibility of MARINA in the implementation of the STCW Convention;

WHEREAS, it is the national goal to ensure effective and efficient implementation and administration of the 1978 STCW Convention, as amended;

NOW THEREFORE, by virtue of Section 2, paragraph 5 of LOI No. 1404, the Maritime Training Council hereby RESOLVES, as it hereby RESOLVED, to prescribe, issue and promulgate the following Revised Rules and Regulations Implementing LOI No. 1404.

**ARTICLE I**

**TITLE, PURPOSE, OBJECTIVES AND POLICIES**

**RULE 1. Title** . This issuance shall be known as the "1999 Revised Rules and Regulations Implementing LOI No. 1404";

**RULE 2. Purpose.** These Rules and Regulations are formulated and adopted to prescribe procedures to be followed and observed in administering and implementing the provisions of LOI No. 1404;

**RULE 3. Objectives.** These Rules and Regulations aim to achieve the following objectives:

1. To give effect to the 1978 International Convention on Standards of Training, Certification and Watchkeeping of Seafarers, as amended;

2. To promote the highest degree of competence, qualifications and fitness of Filipino seafarers and to ensure safety of life and property at sea, together with the protection of the marine environment;
3. To maintain the country's position as the world's major source of competent and qualified seafarers.

#### ***RULE 4. Policy Statements***

1. The Council shall take all necessary steps in order to ensure that the Convention is given full and complete effect;
2. The Council shall accomplish its objectives, policies and functions through the member-agencies and other agencies of the government;
3. The Council shall provide a forum where all concerned agencies can discuss and resolve issues involving the implementation of the Convention and other related matters;
4. The Council, however, may undertake to directly perform activities which it may consider necessary to hasten the effective compliance of the Convention.

### **ARTICLE II**

#### **DEFINITIONS**

***RULE 5. Definition of Terms*** . For purposes of these Rules and Regulations, the following terms are defined as follows:

1. ***Convention*** — refers to the 1978 STCW Convention, as amended;
2. ***STCW Code*** — refers to the Seafarer's Training, Certification and Watchkeeping Code;
3. ***Party*** — means a State for which the Convention has entered into force;
4. ***Administration*** — means the Government of the Party whose flag the ship is entitled to fly and pursuant to EO 149 refers to the Maritime Industry Authority (MARINA);
5. ***Council*** — refers to the Maritime Training Council (MTC) established under LOI No. 1404;
6. ***Committee*** — refers to the STCW Executive Committee created by the Council pursuant to E.O. 396, Series of 1997;
7. ***Council Secretariat*** — refers to the administrative and technical staff of the Council;
8. ***Member-agencies*** — refer to agencies who are members of the Council as provided under LOI 1404;
9. ***Lead Agency*** — refers to Maritime Industry Authority pursuant to E.O. 396, Series of 1997 as amended by EO 149, Series of 1999;
10. ***Other agencies*** — refer to agencies or organizations that are not members of the Council but whose participation are necessary for the compliance to the

Convention and are called upon by the Council for such purpose;

11. **Certificate** — means a valid document, by whatever name it may be known, issued by or under the authority of the Administration or recognized by the Administration authorizing the holder to serve as stated in this document or authorized by national regulations;

12. **Seagoing Ship** — means a ship other than those which navigate exclusively in inland waters or areas where port regulations apply.

### **ARTICLE III**

#### **COMPOSITION, FUNCTIONS, MEETINGS AND FUNDS**

**RULE 6. Composition** . The Council shall be composed of the Secretary of the Department of Labor and Employment as Chairman, with the following as members:

1. The Administrator, Maritime Industry Authority;
2. The Commandant, Philippine Coast Guard;
3. The Chairman, Commission on Higher Education;
4. The Administrator, Philippine Overseas Employment Administration;
5. The Administrator, Overseas Workers Welfare Administration;
6. The Chairman, Professional Regulation Commission;
7. The Representative from the Private Sector

**RULE 7. Functions** . The Council shall be attached to the Department of Labor and Employment for administrative and policy control and shall have the following functions:

1. Develop and prescribe standards of training for seafarers in accordance with the STCW-78 Convention, as amended; and promulgate rules and regulations for the proper implementation thereof;
2. Issue certificates to seafarer that meets the requirements of the Convention;
3. Regulate and supervise the establishment and operation of maritime training centers;
4. Liaise and coordinate with concerned government agencies/instrumentalities and private entities, and international organizations particularly with the International Maritime Organization, through the Secretary-General, as regards the training, upgrading and qualifying seafarers;
5. Formulate rules and regulations to implement the 1978 STCW Convention, as amended and to attain the objectives of LOI 1404;
6. Amend, revise rules and regulations to conform with the amendments of the 1978 STCW Convention;
7. Prescribe and collect fees from the maritime training centers and the same to be remitted as part of the Seafarers Welfare Fund being administered by the Overseas Workers Welfare Administration;
8. Undertake special programs/projects in furtherance of the objectives of training and upgrading of Seafarers;

9. Study, evaluate and recommend to the Commission on Higher Education the number and maximum enrollment in maritime institutions to ensure employability of graduates;

10. Call on agencies or organizations that are not members of the Council whose participation are necessary for the compliance to the Convention or when the need so arises;

**RULE 8. Meetings** . Regular meetings shall be held once a month as set by the Council at the Office of the Chairman or at such other venue as may be prescribed by the Council. Special meetings may be called by the Chairman or upon request of at least two (2) members of the Council.

**RULE 9. Funds.** The Council shall be funded from the proceeds of the Seafarers Welfare Fund (SWF), administered by OWWA, pursuant to Section 4 of LOI 1404 or other funds that may be made available.

## **ARTICLE IV**

### **COUNCIL SECRETARIAT**

**RULE 10.** The Council Secretariat shall serve as the administrative, technical and support staff of the Council. It shall be headed by the Executive Director and assisted by a Deputy Executive Director.

**RULE 11. Functions of the Council Secretariat** . The Council Secretariat shall:

- a) Provide administrative support services to the Council;
- b) Act as the operating arm of the Council;
- c) Implement training standards for seafarers as approved by the Council;
- d) Accredite, supervise, monitor course programs of maritime training centers and prescribe table of penalties in violation thereof;
- e) Hire the necessary staff to assist the Council in the implementation of the 1978 STCW Convention as amended;
- f) Perform other functions as may be directed by the Council.

**RULE 12. Principal Office** . The Council Secretariat shall hold office at the POEA Building located at Ortigas Avenue corner EDSA, Mandaluyong City, or any other venue selected for the purpose.

**RULE 13. Organization. The Council Secretariat shall be composed of four (4) divisions: The Accreditation and Monitoring Division; Planning Division; The Administrative Division; and The Quality Assurance Division.**

**RULE 14. Appointment of Officers and Employees of the Council Secretariat** . Subject to existing laws, the Executive Director and Deputy Executive Director shall be appointed by the Chairman with the concurrence of the Council members. All other employees shall be appointed by the Chairman.

**RULE 15. Qualifications :**

1. The Executive Director shall at least be a holder of a Bachelors degree or Master Mariner or Chief Engineer with at least five (5) years of experience in the