



HOUSE OF REPRESENTATIVES

H. No. 8394

BY REPRESENTATIVES MANALO, BAGUILAT, SARMIENTO (C.), ACOPI, MARQUEZ, ABU, BIAZON, PADUANO, REVILLA, PIMENTEL, FARIÑAS, ANDAYA, MARCOLETA, DEFENSOR, ROA-PUNO, HOFER, CRISOLOGO, PALMA, NOEL, ESPINA, SALO, GONZALES (A.P.), ROMERO, ALONTE, SAVELLANO, GARIN (R.), VERGARA, ROBES, ORTEGA (V.N.), GARCIA (J.E.), NOGRALES (J.J.), FORTUN, HERRERA-DY, BAGATSING, PRIMICIAS-AGABAS, ANTONINO, SUAREZ, ATIENZA, ABAYON, BRAVO (A.), BERTIZ, CAMPOS, LOPEZ (B.), MATUGAS, BELARO, GULLAS AND SALON, PER COMMITTEE REPORT NO. 890

AN ACT PROVIDING FOR THE FULL AND EFFECTIVE IMPLEMENTATION AND ENFORCEMENT OF INTERNATIONAL MARITIME INSTRUMENTS OF WHICH THE PHILIPPINES IS A STATE PARTY

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

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Chapter I

General Provisions

SECTION 1. *Short Title.* — This Act shall be known as the “Maritime Safety, Security and Prevention of Ship-Sourced Pollution Act of the Philippines”.

SEC. 2. *Declaration of Policy.* — The following are hereby declared to be the policies of the State:

1 (a) The State shall provide for the full and effective
2 implementation and enforcement of international maritime
3 instruments that cover safety of life at sea, prevention of pollution
4 from ships, load lines, tonnage measurements of ships, and
5 regulations for preventing collisions at sea, of which the Philippines
6 is a State Party;

7 (b) The State shall provide for a platform for the adoption of
8 regulations implementing the technical annexes, provisions and
9 requirements of these international maritime instruments as well
10 as future amendments to such technical provisions and
11 requirements as the State Parties to these Conventions may adopt
12 from time to time;

13 (c) The State shall comply with its duties and obligations to
14 the international community as State Party to these international
15 maritime instruments by ensuring the effective exercise of its
16 jurisdiction and control over ships flying its flag, and that those who
17 are responsible for the management and operation of a ship
18 registered in the Philippines including their duly registered owners,
19 operate their ships responsibly; and

20 (d) The State shall provide a mechanism for the full and
21 effective implementation of Port State Control (PSC) guidelines as
22 provided by regional agreements or Memoranda of Understanding
23 by which it may consistently carry out its obligation to conduct
24 inspections on ships of other States, whether parties to
25 international maritime instruments or not, when these are within
26 the waters, ports, harbors and offshore terminals of the Philippines.

1 SEC. 3. *Scope of the Act.* – Unless otherwise indicated,
2 this Act shall apply to:

3 (a) All merchant marine ships, whether seagoing or
4 coastwise, which are registered under the Philippine flag;

5 (b) All persons, partnerships, corporations, firms or other
6 entities duly registered or licensed in the Philippines to engage in
7 the business of shipping as shipowners, ship operators, charterers,
8 or ship managers, or those acting on their behalf; and

9 (c) All foreign ships that are within the waters, ports, harbors
10 and offshore terminals of the Philippines regardless of whether or
11 not they are registered in or belong to State Parties to the
12 international maritime instruments sought to be implemented by
13 this Act.

14 SEC. 4. *Definition of Terms.* – As used in this Act:

15 (a) *International maritime instruments* refer to all
16 conventions, codes, recommendations, procedures, guidelines, or
17 other similar instruments pertaining to safety of life at sea,
18 prevention of pollution from ships, load lines, tonnage
19 measurements of ships, and regulations for preventing collisions at
20 sea, of which the Philippines is a State Party, including:

21 (1) The International Convention for the Safety of Life at Sea,
22 1974 and its Protocols of 1978 and 1988 and Agreement of 1996;

23 (2) The International Convention for the Prevention of
24 Pollution from Ships, 1973, its Protocol of 1978 and its Protocol
25 of 1997;

26 (3) The Convention on the International Regulations for
27 Preventing Collisions at Sea, 1972;

1 (4) The International Convention on Load Lines, 1966 and its
2 Protocol of 1988, as amended in 2003;

3 (5) The International Convention on the Tonnage
4 Measurement of Ships, 1969; and

5 (6) All other international instruments, codes,
6 recommendations, procedures, and guidelines implementing or
7 applying these Conventions.

8 (b) *Recognized organization* refers to an organization that has
9 been assessed as such by the Department of Transportation (DOTr),
10 in accordance with the relevant guidelines of the International
11 Maritime Organization (IMO) on recognized organizations.

12 SEC. 5. *Powers and Functions.* –

13 (a) DOTr. – For purposes of this Act, the DOTr shall have
14 the following powers and functions:

15 (1) Act as the single and central maritime administration,
16 and exercise all powers and functions relative to the compliance
17 with, and effective implementation and enforcement of international
18 maritime instruments to which the Philippines is a State Party;

19 (2) Prescribe, fix, issue, revise, amend, update or repeal
20 rules and regulations from time to time to ensure the full and
21 effective implementation and enforcement of international maritime
22 instruments;

23 (3) Determine the minimum standards and requirements,
24 and issue rules and regulations applicable to particular types of
25 ships, considering their size, type, motive capacity, trading limits
26 and other physical and technical attributes without diluting the
27 minimum requirements of the international maritime instruments;

1 (4) Determine which ships shall be excluded or exempted
2 from the coverage of relevant regulations, and establish equivalent
3 technical standards where it is determined that by virtue of the
4 ship's size, type, motive capacity, or trading limits, it would be more
5 workable to require the implementation of such equivalent
6 standards, without compromising the safety of the ship, its crew,
7 passengers and cargo, and without exposing the marine
8 environment to the risk of damage from ship-sourced pollution;

9 (5) Assess and determine the qualification of any recognized
10 organization, execute the corollary written agreement to evidence
11 the terms and conditions by which such recognized organization
12 shall act on its behalf, and the extent of the powers delegated to
13 such recognized organization in carrying out initial and periodic
14 inspections and surveys, including the capacity to issue ship
15 certificates on its behalf;

16 (6) Require the master or, in his absence, the owner,
17 charterer, manager or operator to submit, without delay, a full
18 written report of any incident involving the ship that may endanger
19 the safety of the ship, its crew, passengers, or cargo, or pose a threat
20 to the marine environment;

21 (7) Following any marine casualty, accident or incident
22 involving a ship in the Philippine registry, undertake, on its own or
23 through a duly constituted independent group of suitably qualified
24 safety inspectors, a marine casualty safety investigation which is
25 independent from any other form of investigation and is not
26 intended to apportion blame or determine liability, but is conducted
27 to determine the cause of the accident and the identification of

1 measures to prevent the occurrence of similar marine casualties,
2 accidents or incidents in the future;

3 (8) Institute amendments to existing regulations to enhance
4 the safety and security of ships, persons and property and the
5 protection of the marine environment following receipt of any
6 recommendation arising from the marine safety inspection report;

7 (9) Receive the report of any violation from another State
8 and conduct any other investigation on a ship in the Philippine
9 registry to protect public interest and impose such penalties,
10 sanctions, and levy such fines commensurate to the gravity of the
11 offense to ensure effective implementation, compliance and
12 enforcement of Maritime Conventions and upon completion of the
13 investigation, inform the State submitting the report of the action
14 taken to address the violation;

15 (10) Act as the designated point of contact for all matters
16 related to the IMO with respect to safety of life at sea, prevention of
17 pollution from ships, load lines, tonnage measurement of ships, and
18 regulations for preventing collisions at sea; and

19 (11) Exercise such other powers and functions necessary to
20 fully implement international maritime instruments.

21 When creating procedures, rules and regulations, the DOTr
22 shall always be guided by the relevant conventions, instruments,
23 codes, recommendations, and guidelines of the IMO.

24 (b) Philippine Coast Guard (PCG). – For purposes of this
25 Act, the PCG shall exercise PSC, consistent with its powers and
26 functions under Republic Act No. 9993, otherwise known as the

1 "Philippine Coast Guard Law of 2009", and its implementing rules
2 and regulations; and

3 (c) Maritime Industry Authority (MARINA). – For purposes
4 of this Act, the MARINA shall exercise flag State control, consistent
5 with its powers and functions under Presidential Decree No. 474,
6 otherwise known as the Maritime Industry Decree of 1974 and
7 Executive Order Nos. 125 and 125-A, series of 1987, as amended,
8 otherwise known as the Reorganization Act of the Ministry of
9 Transportation and Communications.

10 SEC. 6. *Power to Adopt Regulations to Conform to*
11 *Amendments to International Maritime Conventions.* – The
12 MARINA, with the concurrence of the DOTr, through the Secretary,
13 shall recommend to the Department of Foreign Affairs (DFA) the
14 adoption of international maritime instruments which the
15 Philippines is not yet a party to, so that the appropriate
16 recommendation can be made, the relevant instrument of
17 ratification or accession may be issued by the President, and the
18 concurrence of the Senate of the Philippines may be obtained:
19 *Provided, That in the case of any subsequent amendment to any*
20 *technical annex of any existing international convention or treaty to*
21 *which the Philippines is already a party and which is deemed*
22 *accepted by the State Parties to the convention after the lapse of the*
23 *specified time, the MARINA is hereby empowered and authorized to*
24 *amend and revise its rules and regulations to conform with the*
25 *amendments to the relevant convention or treaty without need of*
26 *further legislative or executive authorization.*

1 SEC. 7. *Coordination Among Regulatory Agencies.* – The
2 Secretary of Transportation shall direct, oversee and document the
3 creation, maintenance and management of the appropriate
4 coordinative framework and structure among all government
5 agencies mandated by law to supervise and regulate all parties
6 referred to in Section 2 of this Act in order to ensure the harmonized
7 implementation and enforcement of the conventions covered by this
8 Act. For this purpose, the Secretary of Transportation shall issue
9 relevant regulations, orders, processes and procedures within sixty
10 (60) days from the effectivity of this Act, which regulations may be
11 amended from time to time as needed. The issuance of the
12 Secretary of Transportation shall give special attention to clearly
13 identify the processes and procedures to be followed by the different
14 regulatory agencies, considering each agency's mandate, technical
15 competence and expertise, organizational structure and capabilities
16 for carrying out the Philippines' obligations under the conventions.
17 The Secretary of Transportation shall further clarify functions and
18 tasks which require:

- 19 (a) Execution directly by the agency;
20 (b) Execution indirectly by an agency acting on behalf of
21 another;
22 (c) Coordination of several agencies by a lead agency;
23 (d) Cooperation by agencies acting independently of each
24 other; or
25 (e) Monitoring and reporting to another agency.

26 The Secretary of Transportation, as needed, shall coordinate
27 with other executive departments whose line or attached agencies

1 likewise exercise relevant functions or provide technical services
2 that ensure the safety of the ship, its crew, passengers and cargo
3 and the protection of the marine environment, such as the
4 Philippine Atmospheric, Geophysical and Astronomical Services
5 Administration (PAGASA) under the Department of Science and
6 Technology (DOST), and the National Mapping and Resource
7 Information Authority (NAMRIA) under the Department of
8 Environment and Natural Resources (DENR), among others.

9 SEC. 8. *Implementing Rules and Regulations.* – The DOTr
10 shall issue the implementing rules and regulations for each of the
11 Maritime Instruments within six (6) months from the effectivity of
12 this Act.

13 SEC. 9. *Separability Clause.* – If, for any reason, any
14 section, subsection, clause or term of this Act is held to be illegal,
15 invalid, or unconstitutional, such parts not affected by such
16 declaration shall remain in full force and effect.

17 SEC. 10. *Repealing Clause.* – All existing laws, orders,
18 decrees, rules and regulations or parts thereof inconsistent with the
19 provisions of this Act are hereby amended, modified or repealed
20 accordingly.

21 SEC. 11. *Effectivity.* – This Act shall take effect
22 fifteen (15) days after its publication in the *Official Gazette* or in a
23 newspaper of general circulation.

Approved,

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