



Republic of the Philippines
Office of the President
COMMISSION ON HIGHER EDUCATION

Department of Transportation and Communications
MARITIME INDUSTRY AUTHORITY



JOINT CHED-MARINA MEMORANDUM CIRCULAR NO. 01
Series of 2016

**SUBJECT: REVISED RULES AND PROCEDURES IMPLEMENTING THE
CHED AND MARINA JOINT MONITORING OF THE BACHELOR OF
SCIENCE IN MARINE TRANSPORTATION AND THE BACHELOR
OF SCIENCE IN MARINE ENGINEERING PROGRAMS**

In accordance with the pertinent provisions of Republic Act (RA) No. 7722, otherwise known as the “Higher Education Act of 1994” that mandates the Commission on Higher Education (CHED) to “set minimum standards for higher education programs...” and “monitor and evaluate the performance of programs and institutions of higher learning for appropriate incentives as well as the imposition of sanctions...”; RA 10635 or “An Act establishing the Maritime Industry Authority (MARINA) as the Single Maritime Administration responsible for the implementation and enforcement of the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended, and International Agreements or covenants related thereto” and its Implementing Rules and Regulations (IRR), the 1978 International Convention on Standards of Training, Certification and Watchkeeping (STCW) for Seafarers, as amended; and by virtue of the recommendation of the Technical Panel for Maritime Education (TPME) as approved by the Commission *en banc* through Resolution No. 505-2016, the following rules and procedures are hereby adopted and promulgated, thus:

ARTICLE I
POLICIES AND LEGAL BASES

Section 1. Statement of Policies- The following are hereby declared to be the policies of CHED and MARINA with regard to maritime education programs:

- a. **Right of all citizens to quality education** – CHED and MARINA uphold Section 1, Article XIV of the 1987 Philippine Constitution as well as the declared policy of the State to protect, foster and promote the right of all citizens to quality education, among others.
- b. **Quality of education is a matter of national interest and an international obligation** – CHED and MARINA recognize that protecting and promoting the quality of maritime education in the country is a matter of national interest and an international obligation, the Philippines being a Party and signatory to the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention), as amended.

Section 2. Legal Bases - The following are hereby declared to be the legal bases for the joint CHED and MARINA monitoring of maritime education programs:

- a. **The authority of CHED to set standards and monitor the performance of maritime education programs and institutions** – CHED, under Section 8 [e] of RA 7722 is likewise mandated to “set minimum standards for programs and institutions of higher learning recommended by panels of experts in the field and subject to public hearing, and enforce the same” and “*monitor and evaluate the performance of programs and institutions of higher learning for appropriate incentives as well as the imposition of sanctions, among others*”.

The Office of Programs and Standards (OPSD) shall be the implementing office of the Commission for purposes of the joint monitoring of maritime education programs as herein provided and shall ensure close coordination with the STCW Administration.

- b. **The Authority of the Maritime Industry Authority (MARINA) to monitor maritime education programs** —RA 10635 also known as the MARINA STCW Administration Act of 2014 establishes MARINA as the Philippines’ Single Maritime Administration responsible for the implementation and enforcement of the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended, and International Agreements or covenants related thereto”.

One of the functions of MARINA under the law is to “*ensure that all maritime education, including the curricula and training programs, are structured and delivered in accordance with the written programs, methods and media of delivery, procedures, and course materials compliant with international standards as prescribed under the STCW Convention.*” Towards this end, “*MARINA shall monitor and verify, in coordination with CHED, compliance with the policies, standards, and guidelines of maritime education in the conduct of maritime education and training programs*” and “*review and harmonize the procedures for periodic evaluation, assessment and monitoring of all maritime education and training institutions in accordance with the standards of the CHED and other recognized international organizations*”.

ARTICLE II DEFINITION OF TERMS

Section 1: For purposes of this Joint Memorandum Circular, the following terms shall apply:

- a. **Assessment:** the process of measuring the knowledge, skills or competences of individual learners.
- b. **BSMarE:** refers to the Bachelor of Science in Marine Engineering program which covers the approved education and training of a marine officer-in-charge of an engineering watch under the 1978 STCW Convention and Code as amended.

- c. **BSMT**: refers to the Bachelor of Science in Marine Transportation program which covers the approved education and training of a marine officer-in-charge of a navigational watch under the 1978 STCW Convention and Code as amended.
- d. **Competence**: the ability that extends beyond the possession of knowledge and skills. It includes 1) the cognitive competence involving the use of theory and concepts as well as informal tacit knowledge gained experientially; 2) functional competence (skills or know-how), those things that a person should be able to do when they work in a particular area; 3) personal competence involving knowing how to conduct oneself in a specific situation; and 4) ethical competence involving the possession of certain personal and professional values.
- e. **Corrective Action**: refers to an action to eliminate the cause of an identified nonconformity in a monitoring activity in order to prevent its recurrence.
- f. **Correction**: refers to an action to address an identified nonconformity which can be made in advance of, in conjunction with or after a corrective action.
- g. **Curriculum**: A specification of the learning outcomes of a degree program—i.e. what students expect to know, understand, and be able to do after completing the program—that shows the minimum number of units required to attain them; a summary of required courses, electives, major courses, among others, and the minimum acceptable level of demonstrated achievement (evaluated against assessment criteria) for awarding credits.
- h. **Evaluation**: the process of judging the educational quality of a higher education institution or program by using assessment results to determine its fitness with the approved set of standards.
- i. **Evaluator**: refers to a qualified person duly authorized to conduct monitoring of maritime education programs.
- j. **MARINA**: refers to the Maritime Industry Authority, which is the “Maritime Administration” or “Single Maritime Administration”, in accordance with Sec. 2 (e) of R.A. 10635, or simply the “Administration” under the STCW Convention.
- k. **Maritime Education Programs (MEPs)**: refer to the approved education and training for Marine Officers-in-Charge for navigational or engineering watch covered under Chapters II and III of the STCW Convention, or more popularly known as the Bachelor of Science for Marine Transportation (BSMT) and Bachelor of Science for Marine Engineering (BSMarE) programs.
- l. **Maritime Higher Education Institution (MHEI)**: refers to all higher education institutions, public or private, duly authorized by CHED and by the respective Governing Boards of State Universities and Colleges SUCs to operate the BSMT and/or BSMarE programs in accordance with the STCW Convention and the applicable laws rules and regulations of the Philippines.

- m. **Monitoring:** refers to the series of evaluations carried out in an MHEI to verify the extent of compliance or degree of deviation from an expected norm or standard.
- n. **Monitoring Finding Report Form:** a quality form that is used to officially record the monitoring findings identified by the monitoring team.
- o. **Monitoring Team:** refers to the composite CHED and MARINA evaluators authorized to conduct monitoring of the BSMT and BSMarE programs.
- p. **Monitoring Program:** refers to an approved document containing, among other things, schedules of monitoring activities planned for a calendar year.
- q. **Monitoring Plan:** refers to an approved document containing the activities and arrangements in a monitoring activity for a specific MHEI.
- r. **Nonconformity:** refers to an observed situation where objective evidence indicates non-fulfillment of specified requirements
- s. **Noteworthy Efforts:** refer to initiative/s undertaken by the institution to achieve higher level of qualitative results (e.g. best practices that resulted towards further improvement of expected outcomes).
- t. **Objective Evidence:** refers to qualitative or quantitative information, documents, records or statement of facts based on observation, test or measurement and which can be verified.
- u. **Observation:** is a situation that may lead to a nonconformity if not properly addressed or a finding without clear evidence to verify that it constitutes a nonconformity.
- v. **Observer:** refers to a person who is authorized to join the monitoring team as under study.
- w. **Outcomes-Based Monitoring:** refers to an approach where the program outcomes are largely measured against the policies, standards and guidelines of the discipline, which, in the case of maritime education, are aligned with the STCW standards as amended as well as those of other international conventions.
- x. **Phased-out:** refers to the state of loss of recognition of any MEP by CHED, as ordered and confirmed by the CHED Commission en banc, consistent with the relevant CHED regulation.
- y. **Outcomes-based Monitoring Instrument:** refers to a quality form used by the composite CHED and MARINA monitoring teams as a checklist and recording tool during the conduct of monitoring.

- z. **Preventive Action:** refers to an action to eliminate the cause of a potential nonconformity or an action taken to prevent the occurrence of a nonconformity.
- aa. **Prohibited Acts:** refer to acts which are inimical to public interest committed by institutions or persons, such as those stipulated under Section 65 of CMO 40 series 2008 or the “Manual of Regulations for Private Higher Education Institutions (MORPHE)” and under Section 8.3 of the Implementing Rules and Regulations of RA 10635.
- bb. **Quality Standards System:** refers to an established system – documented policies, procedures, controls and internal quality assurance, which covers, but is not limited to, education and training and assessment of competence. The QSS is established as a mechanism to monitor and ensure the achievement of defined objectives of the approved education and training program in accordance with the requirements of the STCW Convention.
- cc. **Root Cause Analysis:** refers to a process of determining the reason for a nonconformity or why the nonconformity occurred for the purpose of identifying appropriate corrective and preventive actions.
- dd. **On-Call Technical Evaluators:** refer to the master mariner and chief engineer officers in the pool of technical evaluators of CHED who are designated to join the monitoring activity to provide the monitoring team with technical knowledge and experience corresponding to the maritime education program to be monitored.
- ee. **STCW Office:** refers to the office in MARINA, specifically tasked to give and complete effect to the requirements of the STCW Convention.
- ff. **Follow-up Verification:** refers to the follow-up visit at the institution to verify and validate the implementation and effectiveness of actions undertaken to address the monitoring finding/s.

ARTICLE III MONITORING APPROACH AND IMPLEMENTATION

Section 1. Approach - The monitoring system herein provided shall be conducted using relevant CMOs, Circulars and the 1978 STCW Convention, as amended, as references, following an outcomes-based monitoring approach and implementation, which:

- a. Focuses on the competence outcome of maritime education – competent students;
- b. Looks at core processes and procedures which are instrumental to honing such competence;

- c. Intends to make MHEIs, as well as academic and non-academic personnel responsible for the maritime education program(s) they offer.

Section 2. Availability of Documents and Records. To facilitate the conduct of monitoring, the MHEIs shall make their documents, records, QSS Manuals and related audit reports available for purposes of evaluation by the monitoring team. by the monitoring team.

ARTICLE IV QUALIFICATIONS AND COMPOSITION OF THE MONITORING TEAMS

Section 1. Qualifications - Every person joining the monitoring team shall meet the following general qualifications:

- a. Must not be involved in the activities of, or have any connection to the MHEI concerned;
- b. Has the knowledge and understanding of the maritime education program, approved training program or competence assessment to be monitored as evidenced by having:
 - i. attended the orientation(s) conducted by the CHED or the Administration on the policies, rules and procedures for the monitoring of maritime education programs;
 - ii. joined the monitoring teams during monitoring activities at least three (3) times as observer;
 - iii. completed an Internal Quality Auditor's course or Lead Auditor's Course;
- c. At least two (2) members of any monitoring team shall have completed the Training Course for Instructors (IMO Model Course 6.09) or have undergone equivalent training as provided or determined by the Administration;
- d. At least two (2) members of any monitoring team shall have completed the training course on Assessment, Examination, and Certification of Seafarers (IMO Model Course 3.12) or have undergone equivalent training as provided or determined by the Administration.
- e. The monitoring team shall have a member-evaluator who has practical operational experience and appreciation of the use of simulators or has completed the training on IMO Model Course 6.10.

Section 2. Composition of the Monitoring Team – The monitoring of maritime education programs is conducted by a team of evaluators from CHED and MARINA composed of the following:

- a. Maritime Education and Training Standards Supervisor (METSS) as Lead Evaluator;

- b. Evaluator(s) from CHED's Maritime Education Section (MES) and/or CHED Regional Office Supervisor in-charge of maritime education where the monitoring activity will be conducted;
- c. Evaluator(s) from STCW Office Monitoring Division and/or qualified evaluator(s) from MARINA Regional Office where the monitoring will be conducted;
- d. Evaluator(s) who has/have the appropriate technical knowledge and experience corresponding to the maritime education program to be monitored; and

A maximum of two (2) observers as under study. Observers shall not interfere in the monitoring or influence the result of the monitoring activity.

ARTICLE V PROGRAMMING AND PLANNING OF MONITORING ACTIVITIES

Section 1. Programming of monitoring activities - As a general rule, a program of monitoring activities for the ensuing year shall be prepared jointly by CHED and MARINA and approved by the Administration two (2) months prior to the intended commencement of the monitoring program.

- a. The Monitoring Division, STCW Office of MARINA, in coordination with CHED, shall be responsible for the annual programming of monitoring activities for the MEPS.
- b. The order of preference of monitoring of MHEIs shall be based on the results of the preceding cycle of monitoring, i.e., MHEIs with Prohibited Act and several nonconformities; MHEIs with findings which were not addressed within the specified timeframe; results of the reclassification of programs as posted by MARINA; recommendations of the Technical Panel for Maritime Education (TPME).
- c. MARINA shall transmit the approved program of monitoring of MHEIs to CHED within seven (7) working days upon approval of the same to facilitate the processing of administrative and financial requirements, such as the designation of its qualified evaluator(s) and on-call technical evaluators who shall join each monitoring activity. CHED shall be responsible for the travel expenses incurred by its evaluators including its on-call technical evaluators.

Section 2. Transmission of the Program of Monitoring to MHEIs – CHED, upon receipt of the approved monitoring program from MARINA shall inform in writing, at least a month, the concerned MHEIs on the schedule of monitoring through the CHED Regional Offices, copy furnished the STCW Office of MARINA.

Section 3. Planning the conduct of monitoring -A monitoring plan shall be prepared by the Lead Evaluator using the appropriate Quality Form under the quality

standard system of the MARINA. The Lead Evaluator shall ensure that each of the team members are given monitoring assignment in accordance with their qualification and expertise or where their qualifications adequately fit. The MARINA-STCWO Office shall transmit the monitoring plan to the MHEI concerned, copy furnished the CHED seven working (7) days prior to the monitoring activity.

Section 4. Cancellation or postponement of the monitoring activity—approved monitoring schedules maybe cancelled or deferred by the Administration under the following circumstances:

- a. Force majeure;
- b. Any events that may threaten the safety and security of the Monitoring Team;
- c. Any unforeseen events that may render the area inaccessibility;
- d. Un-programmed holidays; and
- e. Other analogous circumstances (those which are not under the control of the monitoring team and the institution).

Section 5. Request for cancellation or postponement of monitoring activity by institutions. All requests for postponement and rescheduling of monitoring activity in light of events not falling under the preceding circumstances should be filed in writing with MARINA at least five (5) working days prior to the scheduled monitoring activity.

Upon receipt of the letter, MARINA shall act on the request within three (3) working days and inform the concerned institution of its action, copy furnished CHED.

ARTICLE VI KEY AREAS OF EVALUATION

The compliance of maritime higher education institutions operating the BSMT and/or BSMarE programs shall be measured against the STCW Convention standards and applicable issuances, circulars or policies by CHED and MARINA.

For purposes hereof, the monitoring and evaluation of the BSMT and BSMarE programs shall cover the evaluation on the following key areas:

1. Quality Standards System
2. Organization and Management
3. Curriculum
4. Teaching Methods and Media of Delivery (Academic Strategies)
5. Examination and Assessment System (including Appeals and Re-sits)
6. Faculty (Instructors, Assessors and Support Staff)
7. Admission and Retention (Students)
8. Facilities
9. Training Equipment
10. Simulator
11. Shipboard Training
12. Research and Development

13. Extension Services

ARTICLE VII CONDUCT OF MONITORING

Section 1. Instrument and Forms – Every monitoring activity shall be conducted using the Monitoring Plan, Outcomes-based Monitoring Instrument (OBMI) and Monitoring Finding Report form.

Section 2. Pre-Monitoring Meeting – The Lead Evaluator shall convene the monitoring team for a pre-monitoring meeting prior to the Opening Meeting to confirm and discuss the monitoring plan particularly the assignment for each Evaluator, and to discuss, among others, the results of the previous monitoring of the MHEI and such other documents or information that may need to be checked during the monitoring.

Section 3. Operational Procedures – Every monitoring activity shall be conducted in accordance with the following sequence:

- a. Opening meeting – The monitoring shall start with an opening meeting presided by the Lead Evaluator with the official(s) and responsible personnel/staff of the MHEI concerned to discuss the following:
 - i. Confirmation of the Monitoring Plan i.e. the scope and objective(s) of monitoring, key areas of evaluation and assigned evaluators;
 - ii. Methods and procedures to be used in the conduct of monitoring;
 - iii. Estimated time and duration of the activity;
 - iv. Documents, information, equipment, facilities, officials and support staff that may be needed by the monitoring team in the conduct of monitoring;
 - v. Confidentiality of monitoring findings, documents and information;
 - vi. Method of reporting, categories of findings including the consequences, timeframe for the submission of Root Cause Analysis of the findings & the corresponding Corrective and Preventive Action Plans;
 - vii. Follow-up verification and closing out of findings; and
 - viii. Feedback Mechanism.

The monitoring plan may be modified, as the need arises and upon agreement of the monitoring team members and the institution to be monitored, during the opening meeting.

The Lead Evaluator shall brief the institution that it is required to provide feedback on the manner the monitoring is conducted through Feedback Form which shall be provided to the institution during the opening meeting. The institution shall submit the accomplished Feedback Form in a sealed envelope directly to the MARINA STCW Office Executive Director, copy furnished the CHED Oversight Commissioner for Maritime Education.

The Feedback Form is attached as *Annex A* and made an integral part of this Joint Memorandum Circular.

- b. Evaluation proper – The monitoring shall be carried out by evaluating the key areas of evaluation through:
- i. Interview of responsible personnel/staff for the key area being evaluated;
 - ii. Checking and reviewing of the relevant quality processes, procedures and documents and records;(which may include the institution’s vision, mission objective statement as to outcomes of the programs re: certification of students to become OIC, to include the KPIs and manner of achieving the targets);
 - iii. Checking of Curriculum including its implementation;
 - iv. Observation of classroom instruction, laboratory/simulation activity, workshop (which shall not interfere or disrupt the ongoing teaching and learning activities);
 - v. Observation of conduct of assessment (oral, written and practical, which shall not interfere or disrupt the ongoing assessment activities);
 - vi. Random interview of students;
 - vii. Testing and checking of relevant facilities and laboratory equipment; and
 - viii. Checking and gathering of necessary objective evidences relevant to the key area evaluated.
- c. Deliberation of findings – Once the evaluation is completed, the monitoring team shall meet to discuss their findings among themselves. They shall decide whether an identified finding constitutes a prohibited act, nonconformity or an observation. The noteworthy effort of the MHEI shall also be discussed.
- d. Closing meeting – A closing meeting with the institution’s officials and key personnel shall be conducted, with the Lead Evaluator presiding.

The monitoring team shall present the monitoring findings before the official(s) and personnel/staff of the MHEI concerned. The Lead Evaluator must control the proceedings and exercise due care in giving the MHEI’s officials and personnel the opportunities for clarifications and appeals.

MHEIs shall file an appeal to MARINA for any findings which were not resolved between the institution and the monitoring team. Such appeal shall be addressed in accordance with the appeals procedures provided in Articles IX and XI of this Joint Memorandum Circular.

- e. Signing of the Monitoring Finding Report/s – After the closing meeting, except for cases where there are contested findings, the Monitoring Finding Report Form shall be signed by the Lead Evaluator and by the duly authorized representative of the MHEI concerned. The monitoring team shall provide the MHEI with a copy of the signed Monitoring Finding Report Form/s as an interim report.

Article VIII MONITORING FINDINGS

Section 1. Category of findings– Each finding shall be categorized as “*Noteworthy Efforts*”, “*Prohibited Acts*”, “*Nonconformity*”, and “*Observation*”. The evaluator shall be guided by the definition of the said category of findings in Article II, Section 1 of this Joint Memorandum Circular.

Section 2. Recording of Findings - Every monitoring finding shall be recorded individually in a Monitoring Findings Report Form, including those which have been immediately corrected or rectified, and shall be signed by the Lead Evaluator and acknowledged by the head of the institution or its authorized representative after the closing meeting.

Section 3. List of Prohibited Acts – the following are prohibited acts as stipulated under CMO 40, series of 2008, Manual of Regulations for Private Higher Education Institutions (MORPHE) and the Implementing Rules and Regulations of RA 10635:

- a. Implementing or conducting an unapproved education programs that has similar title and/or content as any of the approved MEP by CHED, tending to deceive the learner or the public that such programs are approved and compliant with STCW, whether intentional or not;
- b. Continuing to offer a phase-out MEP;
- c. the operation of a branch or extension, whether locally or foreign-based, without prior permit or authorization issued by CHED;
- d. the operation of any entity representing itself as a higher education institution when it is not legally established as such;
- e. the issuance of any certificate, degree or title by an institution without prior permit or authorization issued by the Commission; and
- f. the advertisement or publication of any advertisement or announcement before a permit to operate is granted by CHED.

Article IX ACTION ON THE MONITORING REPORT

Section 1. Approval of the Report – The Monitoring Finding Report/s shall be forwarded by the monitoring team to the STCW Office’s Executive Director (ED) or Deputy ED, for approval within 7 working days from receipt thereof.

Section 2 - Transmission of the Official Report –MARINA shall officially transmit the Monitoring Finding Report/s to the concerned MHEI and to CHED within 5 working days after it has been approved by the STCW Office Executive Director.

Section 3. Action on Contested Monitoring Finding Report – For findings under appeal, the Monitoring, Evaluation and Review Committee (MERC) of CHED shall review and validate the findings and submit its decision or resolution to the STCW

Office's Executive Director (ED) within seven (7) working days from receipt of the letter-appeal.

Subsequently, the Office of the ED shall issue and transmit an official decision or resolution regarding the appeal to the concerned MHEI within 5 working days, copy furnished the CHED-MES. Any further appeal or motion for reconsideration on the decision or resolution of the ED shall be given due course following the appeals procedures under Article XI of this Joint Circular.

Article X SUBMISSION AND IMPLEMENTATION OF CORRECTIVE AND PREVENTIVE ACTIONS

Section 1. Prohibited Acts – Within fifteen (15) working days from receipt of the official Monitoring Finding Report Form/s from MARINA, the MHEI with Prohibited Act finding shall re-submit the Monitoring Finding Report Form/s to MARINA with appropriate root cause of the findings and corresponding corrective and preventive action plans. The MHEI shall conduct root cause analysis in order to determine the appropriate corrective and preventive action plan necessary to address the prohibited act finding. In addition, the MHEI shall submit an interim measure to ensure that the required standards of learning of affected students are not compromised. The corrective and preventive action plans shall be immediately implemented upon submission to MARINA.

The MHEI shall ensure to close out the prohibited act finding/s within a reasonable period of time which shall not exceed one (1) month from the implementation date of the corrective and preventive action plans. Thereafter, a follow-up verification shall be conducted to ensure that the corrective and preventive action plan is being implemented and effectively addressing the prohibited act finding.

If the MHEI fails to address the Prohibited Act within the agreed timeframe or based on objective evidence during the follow-up verification, the imposition of sanctions such as the reversion of the program to permit status and outright closure or closure through phase out process of the maritime education program shall be initiated by CHED and the Administration.

Section 2. Nonconformity– the MHEI concerned shall conduct root causes-analysis vis-à-vis the findings identified by the monitoring team. The institution shall submit to MARINA the accomplished Monitoring Findings Report Form with root causes and corrective and preventive action plan/s within fifteen (15) working days, after the receipt of the official monitoring report/s from MARINA. In addition, the institution shall submit an interim measure to ensure that the required standards of learning of affected students are not compromised.

Upon submission, the institution shall ensure immediate implementation of the corrective and preventive actions plan/s. The institution shall ensure to close out the nonconformity within a reasonable period of time which shall not exceed one (1) month from the implementation date of the corrective and preventive action plans. Thereafter, a follow-up verification shall be conducted to ensure that the corrective

and preventive action plan is being implemented and effectively addressing the nonconformity.

If the MHEI fails to comply with the aforesaid conditions within the agreed timeframe or based on clear evidence during the series of follow-up verification visits, the imposition of sanctions which includes the phasing out the maritime education program shall be initiated by CHED and the Administration.

Section 3. Observations – the MHEI concerned shall submit a preventive action plan for Observation finding within fifteen (15) working days, after the receipt of the official monitoring report from MARINA.

A corresponding report shall be submitted to the MARINA STCW Office indicating rectification of the Observation within a period of three (3) months from the submission and implementation of the preventive action plan supported with evidence of implementation and rectification of the finding and intention to be re-inspected.

Follow-up verification shall be conducted thereafter, or on the next monitoring schedule to ensure that the preventive action is implemented and is effectively addressing the finding.

Failure to submit and implement the necessary preventive action plan and address the Observation within the said period shall be deemed sufficient ground to upgrade the finding into a nonconformity.

Article XI APPEAL PROCEDURES

Section 1. Where and when to file –The MHEI concerned may appeal the adverse findings of the monitoring team directly to MARINA, through the STCW Office's Executive Director, copy furnished CHED. Such appeal must be supported by an affidavit bearing a statement of facts and evidence that rebuts the adverse findings.

Failure to appeal within ten (10) working days from the receipt of the monitoring finding report is deemed an admission of the findings.

The Executive Director shall issue a decision or resolution or notice, as necessary, regarding the appeal based on the recommendation of the MERC.

Section 2. Appeal on the decision of the STCW Office's Executive Director; where and when to file – Any decision or resolution issued by the Executive Director shall become final and executory unless appealed to the MARINA Administrator by any party within ten (10) working days from receipt of such decision or resolution.

Section 3. Validity of Appeals before the Administrator – The appeal may be entertained only on any of the following grounds:

- a If there is prima facie evidence of abuse of discretion on the part of the STCW Office's Executive Director;
- b If the decision was secured through fraud or coercion, including graft and corruption;
- c If the decision was based on errors of law, or on misapplication of the policies, rules and regulations of the MARINA, and;
- d If the decision was based on serious errors in the findings of facts, which if not corrected, would result in grave and irreparable damage or injury to the appellant.

Section 4. Appeals before the Administrator; where and when to file - The appeal, which shall be in six (6) legible copies with proof of service to the appellee, shall be filed at the STCW Office of the Executive Director who shall, within 48 hours from receipt, transmit the entire records of the case, to the Office of the Administrator.

Within 10 days from receipt of the appellant's brief, the appellee may file a comment to the Administrator.

Section 5. Period to resolve appeal – The MARINA Administrator shall resolve the appeal within a period of 30 calendar days from receipt of the appeal, with or without the appellee's comment.

The decision or resolution shall state clearly and distinctly the findings of facts, issues and conclusions on which it is based, and the relief granted.

Section 6. Finality of Judgment. The decision or resolution of the Administrator shall be final and executory. No motion for consideration of the decision of the Administrator shall be entertained except when based on palpable or patent errors, provided that the motion is under oath and filed within 10 days from receipt of the decision or resolution, with proof of service that the same has been furnished to the adverse party.

Section 7. Motion of reconsideration of the decision of the Administrator. Only one (1) motion for reconsideration on the decision of the Administrator shall be allowed in matters affecting MHEIs.

Within 10 days from receipt of Order or decision of the Administrator, the concerned party may file a Motion for Consideration to the MARINA Administrator.

Section 8. Period to resolve the motion for reconsideration. The Administrator shall resolve the Motion for Reconsideration within a period of 15 calendar days from receipt thereof.

Section 9. The final decision of MARINA on the appeal of the MHEI shall be endorsed to CHED, through the TPME, to undertake the necessary action or

imposition of sanctions, such as the reversion of the program/s to permit status, closure or phasing-out the program/s of the concerned MHEI.

Article XII
MISCELLANEOUS PROVISIONS

Section 1. Sanctions – For violation of the foregoing, CHED or MARINA or both may impose sanctions, as it may deem appropriate pursuant to relevant and applicable laws, rules and regulations.

Section 2. Repealing Clause – All issuances, relevant policies, standards and guidelines which are inconsistent with the provisions of this Joint Memorandum Circular are hereby repealed, amended, modified or superseded accordingly in accordance with the intent of this Circular.

Section 3. Separability Clause – If any part or provision of this Joint Memorandum Circular shall be held unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 4. Effectivity Clause - This Joint Memorandum Circular shall take effect immediately upon approval of CHED and MARINA and fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Quezon City, Philippines, 27 June 2016.

Submitted:

CAPT. ELEAZAR G. DIAZ

Executive Director, STCW Office

Approved:

MARCIAL Q. C. AMARO III, PhD
MARINA Administrator

PATRICIA B. LICUANAN, Ph.D.
CHED Chairperson

CERTIFICATION

This is to certify that STCW Advisory No 2017 – ____ was approved by the Administrator on _____.

ATTY. MAXIMO I. BAÑARES, JR.

OIC Deputy Executive Director, STCW Office