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| **Amendment to STCW Circular 2018-06** | **Rationale/ Justification** |
| **MEMORANDUM CIRCULAR NO.**  **SC-2020-\_\_\_\_\_\_**  **Series of 2021** | Administrative Order on the codification of all Circulars requires it to be named Memorandum Circular. |
| TO **: ALL SEAFARERS, MANNING AGENCIES, SHIPPING COMPANIES, MARITIME TRAINING INSTITUTIONS, ASSESSMENT CENTERS, MARITIME HIGHER EDUCATION INSTITUTIONS, DOH-ACCREDITED MEDICAL FACILITIES FOR SEAFARERS, MEDICAL PRACTITIONERS AND OTHER MARITIME INDUSTRY STAKEHOLDERS CONCERNED** | To include Assessment Centers, DOH-Accredited Medical Facilities for Seafarers and Medical Practitioners. Under the MISMO system, assessment centers and medical facilities are part of the certification process required to encode/ input the results of the assessment of competence and medical exam of the seafarers directly into the system. |
| SUBJECT**:** **REVISED RULES AND MANDATORY MINIMUM REQUIREMENTS IN THE ISSUANCE AND REVALIDATION OF CERTIFICATE OF COMPETENCY (COC) FOR MASTERS, CHIEF MATES, AND OFFICERS IN CHARGE OF A NAVIGATIONAL WATCH ON SEAGOING SHIPS OF 500 GROSS TONNAGE OR MORE UNDER CHAPTER II AND FOR GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM (GMDSS) RADIO OPERATORS ON SHIPS REQUIRED TO PARTICIPATE IN THE GMDSS UNDER CHAPTER IV OF THE STCW CONVENTION, 1978, AS AMENDED** |  |
| Pursuant to Presidential Decree (PD) No. 474, Republic Act No. 10635 and its Implementing Rules and Regulations (IRR), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW Convention, 1978, as amended), Republic Act No. 11032 otherwise known as “the Ease of Doing Business and Efficient Government Service Delivery Act of 2018”, and Republic Act No. 10173 also known as the Data Privacy Act of 2012, the following rules and requirements are hereby adopted and promulgated, thus: | The revised proposed Circular has taken into consideration pertinent provisions of RA Nos. 11032 and 10173. |

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| **Article I**  **OBJECTIVE**  **Section 1.** x x x x x x | Adopted the objective of the existing circular. |
| **Article II**  **COVERAGE**  **Section 2.** This Circular shall cover the following seafarers applying for issuance and revalidation of COC under Chapters II and IV of the STCW Convention, 1978, as amended:   * 1. Masters and Chief Mates on seagoing ships of 3,000 gross tonnage or more;   2. Masters and Chief Mates on seagoing ships of between 500 and 3,000 gross tonnage;   3. Officers in Charge of a Navigational Watch on seagoing ships of 500 gross tonnage or more; and   4. GMDSS Radio Operators on ships required to participate in the GMDSS.   Seafarers of any nationality, except if from UN sanctioned nation, may also apply for any certificate under this Circular. | There have been foreign nationals applying for issuance or revalidation of COC under this Circular who have completed their approved maritime education in the Philippines including the required training courses and assessment of competence. Currently, we are already accepting their applications provided they are compliant with the requirements; however, this is not clearly stated in the existing Circular. |
| **Article III**  **DEFINITION OF TERMS**  **Section 3.** For purposes of this Circular, the terms below shall be defined as follows:   1. ***Administration*** – x x x x x x 2. ***Approved*** – x x x x x x 3. ***Approved Test*** – x x x x x x 4. ***Approved Training Course*** – x x x x x x 5. ***Expedite Application*** - refers to the application for certification filed by the manning/crewing agency or shipping company on behalf of its seafarer or crewmember who is scheduled for deployment within five (5) working days from date of filing of application as well as for its seafarer who is currently serving onboard ship; 6. ***MISMO System*** - means the MARINA Integrated Seafarers’ Management Online (MISMO) System which is a digital platform used for all transactions of seafarers and MARINA stakeholders relevant to assessment of competence and certification of seafarers. It aims to reduce processing time, streamline processes and requirements and eliminate corrupt practices; 7. ***Other Relevant Capacity*** - pertains to the capacity or position/rank with the same functions or tasks being performed by Ratings Forming Part of a Navigational Watch, OS, AB or Boatswain under the supervision of the Master or the qualified Deck Officer. This shall be supported by a Certificate of seagoing service and Job Description – attested by the shipping company or manning agency, crew list duly signed by the ship Master and contract of employment; 8. ***Replacement –*** refers to the reissuance of lost or damaged COP or with erroneous details of information in the printed COP; 9. ***Revalidation*** – means establishing continued professional competence by a seafarer in order to renew a certificate required to be revalidated at an interval not exceeding five (5) years from the date of issuance thereof in accordance with Regulation I/11 of the STCW Convention, 1978 as amended or maintaining the required standards of competence in accordance with Sections A-II/1, A-II/2 and A-IV/2 of the STCW Code, as applicable; 10. ***Supernumerary Capacity*** – x x x x x x 11. ***Training Record Book*** – x x x x x x 12. ***UN*** ***Sanctioned nation*** - are countries in the UN sanctions list in which restrictive measures have been imposed as a foreign policy tool covering wide variety of elements such as financial services, immigration and trade in order to ensure support political settlement of conflicts, nuclear non-proliferation, and counter-terrorism;     ***~~Updating Training~~*** ~~– refers to a special training which the Administration may hereinafter develop for Masters and Chief Mates holding COC on seagoing ships between 500 and 3,000 gross tonnage who intend to be issued a COC for service on seagoing ships of 3,000 gross tonnage~~ ~~or more.~~ | Under the MISMO system, there are 3 types of transactions / processes – i.e. Regular, Expedite and Replacement. These transactions or processes should be defined.  The current Circular does not contain yet provisions on application through the MISMO system. The existing MARINA policy regarding MISMO is contained in an Advisory only.  This will address one issue or concern (perceived finding) raised by EMSA during the inspection to define the “other relevant capacity” under Section 13.a(ii)(2) Article V of the STCW Circular 2018-06.  Replaced Section A-VI/1 to A-VI-3 with Sections A-II/1, A-II/2 and A-IV/2  Deleted. It was decided not to develop this upgrading training because it will go against the provision of Section A-I/2 paragraph 5 of the STCW Code. This was clarified during the meeting between the EC, EMSA and MARINA delegation held in the EC Headquarters in Belgium in 2019. |
| **Article IV**  **General Provisions**  **Section 4. xxxxxxxxx** | Adopted the provision of Section 4 of the existing circular |
| **Section 5. xxxxxxxxx** | Adopted the provision of Section 5 of the existing circular |
| **Section 6.** In accordance with Section A-I/2, paragraph 5 of the STCW Code, the seagoing service required for issuance of COC under this Circular shall be in accordance with the prescribed gross tonnage (GT) specified under the STCW Regulation governing the COC being applied for. | Added “of the STCW Code” in Section 6 |
| **Section 7. xxxxxxxxxx** | Adopted the provision of Section 7 of the existing circular |
| **Section 8. xxxxxxxxxx** | Adopted the provision of Section 8 of the existing circular |
| **Section 9. xxxxxxxxxx** | Adopted the provision of Section 9 of the existing circular |
| **~~Section 10.~~**~~Training courses or practical assessment to be used as evidence of continued professional competence for revalidation of COC under this Circular must be taken within six (6) months before application for revalidation.~~ | Deleted. MARINA issued STCW advisory 2020-01 in January 2020 suspending the implementation of the 6 month rule. |
| **Section 10.** Holder of COC which is lost or damaged or with erroneous information entry shall apply for its replacement. A certificate will be issued upon compliance with the requirements set forth in Section 24 of this Circular. |  |
| **Section 11.** Only **MARINA-approved training course(s)** and **assessment of competence** shall be accepted for purposes of issuance or revalidation of COC. | Added Assessment of Competence in this Section. |
| **Section 12.** Application for issuance or revalidation including replacement of COC under this Circular shall be filed by the applicant seafarers online through the MARINA Integrated Seafarers Management Online (MISMO) system. In order to access the MISMO system, the seafarer shall first create/secure a MISMO account following the steps in Section 26. | This section requires the filing of application online thru the MISMO system. |
| **Section 13.** However, manning/crewing agencies or shipping companies may be allowed, through its authorized MARINA-accredited Liaison Officer, to file an expedite application for issuance or revalidation of COC on behalf of their seafarers who are scheduled for deployment within five (5) working days from the date of application. | With the advent of the MISMO, LMAs/shipping companies, thru their Los, are allowed to process the COC of their seafarers who are scheduled for deployment within five (5) working days from date of application. |
| **Section 14.** As provided under Regulation I/14 of the STCW Convention, 1978, as amended, it shall be the responsibility of the manning/crewing agency or shipping company to ensure that each seafarer assigned to any of its ships holds an appropriate certificate in accordance with the provisions of the Convention and as established by the Administration.  Manning/Crewing agencies or shipping companies shall also ensure that the STCW certificates are duly signed by the holders/seafarers and shall upload the duly signed certificate into the MISMO account of the seafarer. Non-compliance to this provision may result to the rejection of succeeding applications under this Circular. | This will address the EMSA Finding which states that MARINA could not guarantee that the holders signed their certificate(s) despite the fact that this was a piece of information relating to the identity of the holder that should be displayed in the document. |
| **Section 15.** The concerned manning/crewing agencies or shipping companies and accredited Liaison Officers shall ensure the authenticity and completeness of the documents/records of the seafarers encoded or uploaded into the MISMO system. | This is to remind manning/crewing agencies or shipping companies & their authorized Liaison Officers of their obligation or responsibility to ensure the supporting documents are authentic and complete. |
| **Section 16.** As holders of information, it shall be the responsibility of the concerned institutions/agencies to encode into the MISMO system, within the prescribed period, the records and information regarding the training, medical fitness, sea service records of the seafarers, education, and assessment of competence, as shown in the table below:   |  |  |  | | --- | --- | --- | | **Institution / Agency** | **Information to be Encoded** | **Prescribed period to encode into MISMO system** | | MTI | * Name of MTI * Training Course * Batch No. * Location * STCW Regulation * Date of Completion * Class Link | Within one (1) working day after completion of the training course | | DOH- Accredited Medical Facilities for Seafarer | * Name of Medical Facility * Medical Practitioner * PRC License ID * Date of Medical Exam * Expiration Date * Findings | Within one (1) working day after completion of medical examination | | Manning Agency / Shipping Company | * Name of Vessel * Type of Vessel * Flag of Registry * IMO No. * GRT * kW * Ship’s Trade * Date and Place of Embarkation * Date and Place of Disembarkation * Position/Rank | Within three (3) working days from disembarkation of the seafarer. | | MHEI | * Name of School * Degree / Course * Year started the first-year study of the course * Year Graduated * S.O. No. * Date Issued * Issued by | Within three (3) working days after the issuance of the Special Order | | Assessment Center | * Name of Assessment Center * Type of Assessment * Batch No. * Location * Class Link * Application No. * Date of Completion * Assessment Result | Within one (1) working day after completion of the assessment |   Upon effectivity of this Circular, only information regarding education, training, Assessment, medical fitness and seagoing service encoded into the MISMO system by MHEIs, MTIs, ACs, DOH-accredited Medical Facilities for Seafarers, and Manning/Crewing Agencies or Shipping Companies, respectively, shall be accepted for issuance or revalidation of COC. In order to access the MISMO system, the above-mentioned institutions shall first create/secure a MISMO account following the steps in Section 27 hereof.  The compliance of the above institutions to their reportorial responsibilities under this Circular shall be verified/checked during the monitoring and surveillance activities of MARINA and CHED. | Under the MISMO system, the concerned institutions / agencies are required to encode / input the information or records needed in the processing of application for COC of the seafarer.  This will address the EMSA observation which states that while the MISMO system was designed to be fed by the accredited MTIs, Manning Agencies, Medical Centers, MHEIs, and ACs uploading information on the seafarers’ training programs, seagoing service, fitness of duty, education and assessment of competence, however, at the time of EMSA inspection not all these institutions were inputting the information. |
| **~~Section 17.~~**  ~~Unclaimed COC after six (6) months shall be disposed in accordance with the approved Records Disposition Schedule (RDS) of the STCW Office.~~ | Deleted as per recommendation of the Administrator |
| **Section 17.** The provisions of Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012 on protection of confidentiality, preservation of the integrity and promotion of the availability of data authorized use shall apply. |  |
| **Article V**  **SPECIFIC PROVISIONS**  **Section 18.** Every seafarer applying for issuance of COC under this Circular shall comply with the specific requirements, as follows:   1. **Regulation II/1 – Officers-In-Charge of a Navigational Watch on seagoing ships of 500 gross tonnage or more**    1. **x x x x x x**    2. have approved seagoing service of:      1. not less than twelve (12) months of structured onboard training as Deck Cadet or Apprentice Mate documented in an approved Training Record Book, OR 2. not less than thirty-six (36) months in the Deck Department either as Ratings Forming Part of a Navigational Watch (Ordinary Seaman), or Able Seafarer Deck, or Boatswain, or other relevant capacity in the Deck Department approved by the Administration;    1. **x x x x x x**    2. **x x x x x x**    3. **x x x x x x**    4. **x x x x x x** 3. **x x x x x x** 4. **x x x x x x** 5. **x x x x x x** | Previously Section 13 in the existing circular.  Added the words “Deck Cadet or Apprentice Mate” to address EMSA perceived finding that this provision does not clearly specify under what position or capacity the required approved seagoing service. |
| **Section 19. x x x x x** | Adopted Section 14 of the existing circular. |
| **Section 20. x x x x x** | Adopted Section 15 of the existing circular. |
| **Section 21.** Master, Chief Mate, Officers-In-Charge of a Navigational Watch and GMDSS Radio Operator who do not meet the required seagoing service, may demonstrate continued professional competence to revalidate their COC through either of the following:     1. pass the *practical assessment* prescribed by the Administration appropriate to the certificate to be revalidated; **OR** 2. successfully completed the *approved training course* prescribed by the Administration for purposes of revalidation appropriate to the certificate to be revalidated; **OR** 3. approved seagoing service, performing functions appropriate to the certificate held, for a period of not less than three (3) months in supernumerary capacity, or in a lower officer rank than that for which the certificate held is valid immediately prior to taking up the rank which the certificate held is valid. However, the seagoing service in supernumerary capacity cannot be used as an option for the revalidation of expired certificate or COC. | Previously Section 16 in the existing circular.  This will address the EMSA perceived finding that the approved seagoing service as “Supernumerary” cannot be used as an option for revalidation of expired certificates. |
| **Section 22.** Masters and Chief Mates holding COC on seagoing ships of between 500 and 3,000 gross tonnage who wish to be issued a COC in such capacity for service on seagoing ships of 3,000 gross tonnage or more, shall provide evidence of approved seagoing service as follows:   1. **for certification as Chief Mate**, not less than twelve (12) months as an Officer-In-Charge of a Navigational Watch on ships of 3,000 gross tonnage or more within the preceding five (5) years before application of the COC, and 2. **for certification as Master**:    1. not less than thirty-six (36) months as an Officer-In-Charge of a Navigational Watch on ships of 3,000 gross tonnage or more within the preceding five (5) years before application of the COC, **OR**    2. not less than twelve (12) months as an Officer-In-Charge of a Navigational Watch plus twelve (12) months as Chief Mate on ships of 3,000 gross tonnage or more within the preceding five (5) years before application of the COC.   ~~completion of the approved~~ *~~updating training~~* ~~specified under Section 3 of this Circular, which MARINA may hereinafter develop.~~ | This was originally Section 17 under the existing circular.  Deleted. It was decided not to develop this upgrading training because it will go against the provision of Section A-I/2 paragraph 5 of the STCW Code. This was clarified during the meeting between the EC, EMSA and MARINA delegation held in the EC Headquarters in Belgium in 2019. |
| **Section 23.** Subject to Section 13 hereof, **applications for expedite** processing shall comply with the following requirements in addition to the documentary requirements enumerated in Annex-A of this Circular, as applicable:   1. For expedite application, the following additional documents shall be submitted and uploaded into the MISMO account of the seafarer:    1. Letter request from the shipping company/manning agency duly signed by its authorized official/s, and must bear the official logo of the company;    2. Overseas Employment Certificate (OEC) from the Philippine Overseas Employment Administration (POEA);    3. Contract of Employment duly approved by the POEA. 2. For applications filed on behalf of the seafarer who is currently serving on board ship, the following documents shall be submitted and uploaded in the MISMO system:    1. Letter request from the shipping company/manning agency duly signed by its authorized official/s, and must bear the official logo of the company;    2. Duly notarized Affidavit of Undertaking or Certification from the shipping company/manning agency;    3. Ship’s Crew List;    4. New Contract of Employment approved by the POEA in case of promotion; or    5. Duly notarized Affidavit in case of lost or damaged COC or with erroneous information therein. The Affidavit should state the circumstances of the loss or damage or the erroneous details of information and give a description of the certificate.   Liaison Officers shall bring the original copy of the above documents and present to the designated Document Evaluator, for verification and validation. | As mentioned earlier, MISMO system allows for expedite and onboard applications to be filed by authorized LO. This additional section enumerates the additional documentary requirements to support the applications for expedite and onboard processing. |
| **Section 24.** Seafarers applying personally for **replacement** of COC that was lost or damaged or with erroneous information shall comply with the following requirements:  Duly notarized Affidavit stating the circumstances of the loss or damage or the erroneous information in the COC and give a description of the certificate; and  Provide any government-issued identification document.  In case the seafarer is onboard the ship, the duly designated liaison officer shall bring the original copy of the following documents and present the same to the designated Document Evaluator, for verification and validation:   1. Letter from the concerned manning agency / crewing agency / shipping company requesting for the replacement of the COP duly signed by authorized official; 2. Affidavit of Loss or Damage 3. Employment contract approved by the POEA; 4. Oath of undertaking; and 5. Ship’s crew list. |  |
| **Article VI**  **DOCUMENTARY REQUIREMENTS**  **Section 25.** Seafarers applying for issuanceor revalidation of COC shall comply with the documentary requirements corresponding to the COC being applied for provided in **Annex A.**  Seafarer may be required to present additional supporting documents during the evaluation of his/her application for certification under this Circular. |  |
| **Article VII**  **STEPS FOR CREATION OF MISMO ACCOUNT**  **Section 26.** For MISMO account of Seafarers:   |  |  | | --- | --- | | Step 1. | Go to MARINA Online Appointment System website by clicking this link <https://online-appointment.marina.gov.ph>. | | Step 2. | Click “Sign-up”. | | Step 3. | Click “Register New Account”. | | Step 4. | Fill-in all required information on the template shown on the screen. Make sure to enter your working address. | | Step 5. | Click the “I accept the term and conditions”. | | Step 6. | Click the “Register” button. This message will appear on your screen “You have successfully registered in our system. Please check your email to activate your account”. | | Step 7. | Check your registered email address and open the link sent by the administration to verify and activate the MISMO account. | | Step 8. | Upon signing-in to your MISMO Account, fill-up your “Personal Information”, and then click “Save Changes”. | |  |
| **Section 27.** For MISMO account of MTIs, Assessment Centers, Manning/Crewing Agencies, Shipping companies and DOH-accredited medical facilities for seafarers and MHEIs:   |  |  | | --- | --- | | Step 1. | Enter a Memorandum of Agreement (MOA) with MARINA on the implementation of MISMO system. | | Step 2. | Submit the duly signed MOA to the Legal Division of the STCW Office”. | | Step 3. | Proceed to the Information and Communications Management Division (ICTMD) of the MARINA to secure MISMO account. | |
| **Article VIII**  **VALIDITY OF CERTIFICATES**  **Section 28.** x x x x x | Adopted Section 24 of the existing circular. |
| **Article IX**  **PROCEDURES FOR ISSUANCE AND REVALIDATION OF COC UNDER THIS CIRCULAR**  **Section 29.** Generally, the application for issuance, revalidation and replacement of COC goes through the following processes:  Initial online evaluation  Final evaluation  Printing of COC  Validation of printed COC  Releasing of COC  Candidates applying for issuance, revalidation and replacement of COC under this Circular shall follow the procedures/steps shown in the process flow diagram in **Annex B.** |  |
| **Article X**  **FORMAT OF COC**  **Section 30.** The COC to be issued under this Circular shall follow the format provided in section A-I/2 paragraph 1 of the STCW Code, which already incorporated the endorsement attesting its issue as required by Article VI of the STCW Convention. | This will address the EMSA Observation that the format used to issue the COCs incorporated the endorsement attesting its issue required by Article VI of the STCW Convention and followed the format provided by Section A-I/2 paragraph 1 of the STCW code. However, despite the fact that the certificates issues were already endorsed by the documents described, MARINA issued an additional endorsement in a separate document called “Certificate of Endorsement”. This additional endorsement followed the format provided by Section A-I/2 paragraph 2 of the STCW Code, thereby creating a redundant document. Consequently, two endorsements attesting the issue of a certificate were being issued without need. |
| **Article XI**  **VERIFICATION OF COC**  **Section 31.** COCs issued under this Circular can be verified through the verification portal available at [**https://online-appointment.marina.gov.ph/verify-id-certificate**](https://online-appointment.marina.gov.ph/verify-id-certificate) where the following information can be confirmed:   1. The name of the seafarer to whom such certificate or other qualification was issued, its relevant number, date of issue and date of expiry; 2. The capacity in which the holder may serve and any limitations attaching thereto; and 3. The functions the holder may perform, the levels authorized and any limitations attached thereto. | This will address the EMSA finding stating that while the MISMO fulfilled the function of an electronic database of all certificates issued and no other copies of the certificates issued were kept, any limitations included in the COCs could not be retrieved or made available through MISMO. |
| **Article XII**  **FEES AND OTHER CHARGES**  **Section 32**. Applicants for COCs as herein provided shall pay the corresponding fees and other charges, through the MARINA authorized payment center, as follows:   |  |  |  | | --- | --- | --- | | ***Type of Application*** | ***Regular / Expedite / Onboard processing fee*** | ***Courier Service Fee*** | | Issuance of COC | P1,030.00  (inclusive of documentary stamp tax) | Minimum P200.00 | | Revalidation of COC | | Replacement of COC | | Originally placed under Article X of the existing circular, now under Article XII Introduced Courier service and fee as part of an option of seafarer for releasing of his/her COP/s |
| **Article XIII**  **GROUNDS FOR SUSPENSION/REVOCATION OF COP**  **Section 33.** The COC may be suspended or revoked by the Administration, after due process, for any of the following grounds:  Declaration by a competent medical practitioner of permanent disability to be engaged onboard and receipt of payment for such disability; Provided, That, if the certificate of the concerned seafarer is still valid, the same shall be deemed ~~automatically~~ revoked (Adopted from Section V.6 of MC MD No. 2019-01);  Falsification or fraudulent duplication of seafarer certification;  Final conviction of a crime involving moral turpitude; and  Any act of misrepresentation for the purpose of securing COC such as giving false testimonies or falsified documents.  The holder of a COC that is suspended or revoked shall promptly surrender it as directed by the Administration. Suspended or revoked COC will not be re-instated. The seafarer may apply for new COC when he/she has been issued legal clearance by the Administration. |  |

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| **Article XIV**  **PENALTY CLAUSE**  **Section 34.** Engaging in any act/s of misrepresentation for purpose of securing certificate of proficiency such as giving false testimonies or falsified documents  **First Violation** - P500,000.00 and disqualification to Apply for Certificate of Competency (COC) for three (3) months from the receipt of the decision/order or resolution.  **Second Violation** - 1,000,000.00 and disqualification to Apply for Certificate of Competency (COC) for six (6) months from the receipt of the decision/order or resolution.  **Third Violation** - P2,000,000.00 and perpetual disqualification to apply for Certificate of Competency (COC).  Failure of the concerned entities to comply with this Circular shall be dealt with in accordance with applicable existing rules and regulations.  **Article XV**  **REPEALING CLAUSE**  **Section 35.** STCW Circular No. 2018-06 and any existing MARINA and STCW Circulars, rules and regulations which are contrary to or inconsistent with this Circular are hereby superseded, repealed or amended accordingly. |  |