

Republic of the Philippines
Congress of the Philippines

Metro Manila

Sixteenth Congress

First Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, two thousand thirteen.



[REPUBLIC ACT NO. **10635**]

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

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

SECTION 1. *Declaration of Policy.* – The following are hereby declared to be the policies of the State:

(a) The State shall ensure compliance with the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention), as amended; all international agreements implementing or applying the STCW Convention; and other international maritime safety conventions or agreements that the STCW Convention seeks to promote compliance with;

(b) The State recognizes the vital contribution of the seafarers to the national economy. Toward this end, the State shall establish systems and mechanisms for the promotion and protection of the well-being of the seafarers to ensure their professionalism and competitiveness, both in local and international trade, consistent with existing local labor laws and applicable international laws;

(c) The State shall create a single maritime administrative system and structure that shall provide an enabling environment for the business of Philippine seafaring; establish appropriate institutional arrangements with other agencies of government; and create an effective regulatory framework conducive to the efficiency, transparency and competitiveness of the Philippine seafaring industry consistent with the STCW Convention; and

(d) The State shall harmonize all legal and administrative measures which are taken and provided for by government regulatory agencies and ensure that such measures are appropriate and consistent with the STCW Convention.

SEC. 2. *Definition of Terms.* – As used in this Act, the following terms shall mean:

(a) *Certificate of competency* – a certificate issued to masters, officers and Global Maritime Distress and Safety System (GMDSS) radio operators in accordance with the provisions of Chapters II, III, IV or VII of the Annex to the STCW Convention entitling the lawful holder to serve and perform the functions involved at the level of responsibility specified therein.

(b) *Certificate of endorsement* – an attestation of the maritime administration as to the authenticity and validity

of the certificates, incorporated in the format of the certificates issued to masters and officers, stating that the issuance of the relevant certificate is in compliance with the requirements of the STCW Convention.

(c) *Certificate of proficiency* – a certificate other than a certificate of competency issued to a seafarer, stating that the relevant requirements of training competencies or seagoing service under the STCW Convention have been met.

(d) *Documentary evidence* – all the documentation, other than a certificate of competency or certificate of proficiency, used to establish that the relevant requirements of the STCW Convention have been met.

(e) *Maritime administration or single maritime administration* – the Maritime Industry Authority (MARINA), as the single government agency mandated to ensure complete and effective implementation of the STCW Convention.

(f) *Seafarer* – any person who is employed, engaged or works onboard seagoing ships, whether or not such ships are engaged in the domestic or overseas trade, and to whom the STCW Convention applies.

(g) *STCW Convention* – the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, and its subsequent amendments.

SEC. 3. *MARINA as the Single Maritime Administration.* – The MARINA, created under Presidential Decree No. 474, as amended, shall be the single maritime administration mandated to implement and enforce the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers. It shall carry out an effective regulatory framework conducive to the efficiency, transparency and competitiveness of the Philippine seafaring industry.

SEC. 4. *Powers and Functions of the MARINA.* – In addition to the mandate of the MARINA under Presidential Decree No. 474, as amended, and in order to carry out the provisions of this Act, the MARINA shall exercise the following powers and functions:

(a) Act as the single and central maritime administration for all purposes relating to compliance with the STCW Convention.

(b) Administer and ensure the effective implementation of the STCW Convention; including all international conventions or agreements implementing or applying the same, as well as international maritime safety conventions or agreements that it seeks to promote compliance with.

(c) Assume all powers and functions of the Professional Regulation Commission (PRC), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the Department of Health (DOH) and the National Telecommunications Commission (NTC) relative to the issuance, validation, verification, correction, revocation or cancellation of certificates of competency, endorsement, proficiency and documentary evidence required of all seafarers and all such other matters pertaining to the implementation of the STCW Convention, subject to the following:

(1) The MARINA shall ensure that the examination, licensing and certification system for marine deck and engine officers are in accordance with the requirements prescribed under the STCW Convention. All powers, duties and functions of the PRC on examination, licensing and certification system for marine deck and engine officers as provided in Republic Act No. 8544, otherwise known as "The Philippine Merchant Marine Officers Act of 1998", shall henceforth be exercised by the MARINA. The compensation and allowances of the Board of Marine Deck Officers and Marine Engine Officers under Article IV, Section 8 of Republic Act No. 8544 shall, however, be comparable to the compensation and allowances being received by the chairpersons and members of other existing regulatory boards under the PRC and as provided in the General Appropriations Act.

(2) The MARINA shall adopt rules and regulations, in accordance with the STCW Convention, governing able-bodied deck and engine ratings including:

(i) Monitoring and verification of compliance with the standards of ratings;

(ii) Harmonization of the procedures for periodic evaluation, assessment and monitoring activities undertaken by accredited institutions with registered programs for ratings; and

(iii) Issuance of certificates of proficiency to ratings.

(3) The MARINA shall ensure that all legal and administrative measures relative to the issuance of certificates of competency of GMDSS radio operators are in accordance with the STCW Convention. For this purpose, the MARINA shall assess, revalidate and issue GMDSS radio operator's certificate in accordance with the provisions under the STCW Convention.

(4) The MARINA shall 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. For this purpose, the MARINA shall:

(i) Chair the Technical Panel on Maritime Education (TPME) of the CHED; the TPME shall among others, formulate, review and recommend to the CHED *en banc* all policies, standards, and guidelines for maritime education, including curricula, facilities and guidelines;

(ii) Monitor and verify, in coordination with the CHED, compliance with the policies, standards, and guidelines of maritime education in the conduct of maritime education and training programs;

(iii) 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;

(iv) Develop, formulate and recommend for implementation, strict quality assurance mechanisms and relevant typology for maritime education programs and institutions;

(v) Recommend to the CHED *en banc* the closure/phase-out of substandard maritime education institutions, in accordance with the rules and regulations, as well as recommend alternative schemes or options for the affected maritime educational institution;

(vi) Maintain an updated list of compliant and phased-out maritime education and training programs, publish such lists in appropriate media, and provide the public with a clear understanding of the consequences of enrolling in a phased-out program;

(5) The MARINA shall coordinate with the DOH to ensure that the medical standards established to ascertain the medical fitness of seafarers are in accordance with the international conventions/treaties and existing laws. For this purpose, the MARINA shall:

(i) Ensure that the medical examinations and issuance of medical certificates by the DOH accredited hospitals, medical clinics, and laboratories, including medical practitioners are in accordance with the standards prescribed by the STCW Convention; and

(ii) Ensure that medical certificates are issued by a duly-qualified medical practitioner recognized by and accredited with the DOH, and for this purpose, a register of recognized medical practitioners shall be maintained and made available to seafarers, shipping companies and State parties to the STCW Convention.

SEC. 5. *Composition of the Maritime Industry Board.* - To ensure the proper implementation and enforcement of the STCW Convention in relation to international maritime safety and environmental agreements, the Commandant of the Philippine Coast Guard (PCG), in lieu of the Secretary of National Defense, shall be included as member of the Maritime Industry Board established pursuant to Presidential Decree No. 474 creating the MARINA. The Maritime Industry Board may create an advisory council that will assist the MARINA in ensuring compliance with the STCW Convention, as it may deem proper. The number and members of this council shall be identified and determined by the Maritime Industry Board.

SEC. 6. *Appropriations.* – The Secretary of Transportation and Communications, through the MARINA, shall immediately include in its programs the operationalization requirement of the STCW Services, the initial funding of which shall be charged against the savings or current year's appropriations of the MARINA. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 7. *Implementing Rules and Regulations.* – The MARINA shall issue the required implementing rules and regulations in accordance with the provisions of this Act within six (6) months from the effectivity hereof. In the formulation of such rules and regulations, the MARINA shall ensure that the processes and procedures for issuance, validation, verification, correction, revocation, or cancellation of certificates of competency, endorsement, proficiency and documentary evidence required of seafarers under the STCW Convention shall be the most efficient and convenient way for the seafarers including, but not limited to, the establishment of one-stop shop arrangements, computerization and automation, and elimination of redundant fees and charges.

SEC. 8. *Transitory Provisions.* – All certificates of competency, endorsement, proficiency and documentary evidence issued prior to the effectivity of this Act shall be deemed valid without necessity of revalidation or reissuance until the date of expiration as stated in such certificates or other documents. Thereafter, new certificates or other documents shall be revalidated or reissued only in accordance with the implementing rules and regulations issued pursuant to this Act, in conformity with the STCW requirements.


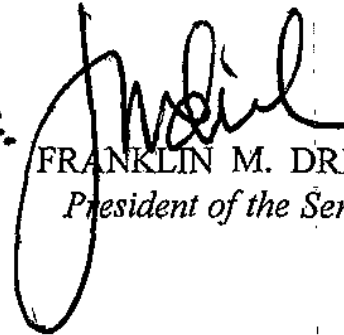
SEC. 9. *Separability Clause.* – If for any reason any section or provision of this Act is declared unconstitutional or invalid, the other sections, or provisions hereof not affected by such declaration shall remain in force and in effect.

SEC. 10. *Repealing Clause.* – The provisions of Presidential Decree No. 474 on the composition of the Maritime Industry Board and all the provisions under Republic Act No. 8544 relating to the examination, licensing and certification system for marine deck and engine officers are hereby


amended. All existing laws, orders, decrees, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.


SEC. 11. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from its publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation.

Approved,


 FELICIANO BELMONTE JR. <i>Speaker of the House of Representatives</i>	 FRANKLIN M. DRILON <i>President of the Senate</i>
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This Act which is a consolidation of Senate Bill No. 2043 and House Bill No. 3766 was finally passed by the Senate and the House of Representatives on February 10, 2014 and February 17, 2014, respectively.


 MARILYN B. BARUA-YAP
*Secretary General
House of Representatives*


 OSCAR G. YABES
Secretary of the Senate

Approved: **MAR 13 2014**


BENIGNO S. AQUINO III
President of the Philippines



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