

REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session

House Bill No. 942



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Introduced by **MAGDALO Party-List Representative**  
**HON. MANUEL DG. CABOCHAN III**

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**EXPLANATORY NOTE**

Various factors can provide explanation why accidents at sea are common in the Philippines. Apart from storms and typhoons, negligence and unsafe state of passenger vessels play crucial role in these accidents.


According to government records, the country has a very poor maritime safety record with an average of more than 200 accidents every year. Sea accidents in the past have been blamed specifically on overloading and poor maintenance of ships or ferries, lack of warning about bad weather and ship's crew incompetence.

In the country, under Republic Act No. 5173, the Philippine Coast Guard (PCG) was created and mandated particularly to inspect and approve vessels for operation, and enforce provisions for the safety of life and property on vessels. The Domestic Shipping Development Act of 2004 (R.A. 9295) however, provided for the complete transfer of these functions to the Maritime Industry Authority (MARINA).

Although the passed Philippine Coast Guard Law of 2009 or Republic Act No. 9993 gave the PCG the authority to conduct inspections on all merchant ships and vessels to ensure compliance with ship safety standards, the said law did not provide for clear-cut provisions regarding ship safety inspection services and penalties concerning the same.

This bill puts the maritime safety administration in the right perspective by giving the responsibility of ship safety inspection solely to the PCG, with the end in view of preventing the loss of thousands of lives and property caused by sea accidents every year, and putting a halt on the blaming game among government agencies.

In view of the foregoing, approval of this bill is highly recommended.

  
**MANUEL DG. CABOCHAN III**  
*Representative*  
Magdalo Para sa Pilipino Party-List

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AN ACT  
TO RESTORE THE PHILIPPINE COAST GUARD (PCG) OF ITS AUTHORITY  
AND RESPONSIBILITY TO PERFORM SHIP SAFETY INSPECTION SERVICES  
AND CARRY OUT OTHER SHIP SAFETY ENFORCEMENT FUNCTIONS,  
AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED 9993,  
PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER  
PURPOSES

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

1       **SECTION 1. *Short Title.***- This Act shall be known as the "*Maritime Safety Act of*  
2       *2016.*"

3  
4       **SEC. 2. *Declaration of Policy.*** - It is hereby declared the policy of the State to adopt  
5       measures that ensure safe and convenient sea travel and/or transport.

6  
7       **SEC. 3. *Definition of Terms.*** As used in this Act, ship or vessel shall refer to:

8  
9       a) any kind, class or type of craft or artificial contrivance capable of floating in  
10       water, designed to be used, or capable of being used as means of water transport  
11       under the maritime jurisdiction of the Philippines for the purpose of transporting  
12       passengers and/or cargo, for fishing and other commercial purposes utilizing its  
13       own motive power or that of another;

14  
15       b) a vessel of any type whatsoever not permanently attached to the sea-bed,  
16       including dynamically supported craft, submersibles, or any other floating craft.

17  
18       **SEC. 4. *Objectives of the Act.*** - This Act shall have the following objectives:

19  
20       a) to ensure the safe and responsible operation of vessels within the maritime  
21       jurisdiction of the country;

22  
23       b) to promote the safety of life and property at sea and to protect all users of the sea  
24       within the marine jurisdiction of the country;

- 1 c) to authorize the Philippine Coast Guard to undertake the enforcement activities  
2 prior to a ship's departure, and while the ship is underway; and  
3 d) to provide for the investigation of marine accidents and for appropriate action  
4 following any such investigation.  
5

6 **SEC. 5. Authority and Responsibility of Performing Ship Safety Inspection**  
7 **Services.** - The Philippine Coast Guard (PCG) shall be restored of its authority and  
8 responsibility to perform ship safety inspection services, issuance of Special Permit to carry  
9 dangerous cargoes/goods, performance of ship safety enforcement functions and marine  
10 casualty investigation for Philippine-registered ships engaged in domestic operations.  
11

12 **SEC. 6. Ship Safety Inspection Services/Functions.** - The PCG, in order to promote  
13 safety of life and property at sea and to protect all users of the sea within the marine  
14 jurisdiction of the country, shall have the following ship safety inspection functions:  
15

- 16 a) Comprised by the assessment of Philippine-registered ships engaged in domestic  
17 trade, inspection services shall be conducted by the PCG prior to the issuance of ship  
18 safety certificates, in order to determine the compliance of such ships with applicable  
19 requirements of national laws, rules and regulations and international conventions:  
20 *Provided*, That said laws, rules and regulations and international conventions are  
21 within the jurisdiction of the PCG: *Provided, further*, That such laws, rules and  
22 regulations pertain to ship safety standards;  
23  
24 b) Authorization to perform ship safety inspection services shall be based on ships  
25 homeported in areas covered by the concerned maritime district or unit office of the  
26 PCG;  
27  
28 c) All ship safety certificates shall be issued by the PCG to those ships that have  
29 undergone inspection; and  
30  
31 d) The PCG shall issue Special Permit to carry dangerous cargoes/goods on board  
32 Philippine registered ships engaged in domestic trade.  
33

34 **SEC. 7. Enforcement Functions.** The PCG shall have the authority and responsibility  
35 in the following enforcement activities prior to a ship's departure, and while the ship is under  
36 way:  
37

- 38 a) Verify the validity of ship and crew documentation prior to ship's departure;  
39  
40 b) Verify compliance with all the terms and conditions of the Certificate of Public  
41 Convenience (CPC), or CPC Exemption, specifically:  
42  
43 1. Approved routing pattern/s;  
44  
45 2. Validity of passenger insurance policy; and  
46  
47 3. Maximum authorized passenger capacity through head counting in case there  
48 is clear indication of overloading/overcrowding.  
49

- 1 c) Serve copies of issued Cease and Desist Order (CDO) to the Master of the ship and to  
2 enforce the same;
- 3 d) Undertake mandatory pre-departure inspection in accordance with PCG Memorandum  
4 Circular Nos. 04-98 and 03-96, and their subsequent amendments;  
5
- 6 e) Issue Maritime Violation Receipt (MVR) to the Master of the ship who fails to  
7 comply with the provisions of relevant laws, rules and regulations on vessel safety.  
8 When the violation warrants detention of the ship, the PCG shall request the  
9 Philippine Ports Authority in writing; together with a copy of the MVR, to deny  
10 departure clearance of the ship in accordance with Executive Order No. 493;  
11
- 12 f) Receive, accept and forward copy of Master's Oath of Safety Departure (MOSD) to  
13 the First party on a monthly basis.  
14

15 **SEC. 8. *Weather Forecasting Mechanism.*** - All ships shall be required to have their  
16 own weather forecasting equipment, which shall provide real time weather information and  
17 shall be independent from that of the PAGASA. Each master of the ship shall conduct proper  
18 training to the ship's crew for the operation and utilization of the said equipment.  
19

20 **SEC. 9. *Responsibility for Excess Passengers.*** - The responsible ship safety  
21 inspector, who, in performance of his or her duty, allowed a domestic vessel to depart port,  
22 shall be held accountable for every passenger in excess of the actual physical capacity of the  
23 said vessel, and shall be subject to a corresponding penalty as listed in Section 13 of this Act.  
24

25 **SEC. 10. *Responsibility for Excess Gross Tonnage.*** - The responsible ship safety  
26 inspector shall be held accountable for every gross tonnage in excess of the actual physical  
27 capacity of every domestic vessel which the said officer, in the performance of his/her duty,  
28 allowed to depart port. Said erring inspector shall be subject to a corresponding penalty as  
29 listed in Section 13 of this Act.  
30

31 **SEC. 11. *Administrative Powers in Marine Casualties or Incidents.*** - The PCG, with  
32 its function to investigate and inquire into the causes of marine accidents and casualties and  
33 marine pollution incidents, shall determine appropriate administrative liabilities, fines, and  
34 penalties of responsible parties. It may promulgate policies, rules and regulations necessary  
35 for the conduct of the same. It shall be recognized that:  
36

- 37 a) the PCG has the power and authority to hear and adjudicate any complaint made in  
38 writing involving any violation of Republic Act No. 9295 or the Domestic Shipping  
39 Act;  
40
- 41 b) under Republic Act No. 5173, P.D. No. 601 and the 1976 Philippine Merchant Marine  
42 Rules and Regulations, the PCG has the power and authority to convene the Board of  
43 Marine Inquiry and Special Boards of Marine Inquiry;  
44
- 45 c) the jurisdiction of the Board of Marine Inquiry is to conduct administrative hearings  
46 to determine the causes of marine casualties or incidents upon receipt of a marine  
47 protest and to review on appeal the results and findings of Special Boards of Marine  
48 Inquiry; and  
49



- 1 d) the jurisdiction of the Special Boards of Marine Inquiry is to conduct administrative  
2 hearings to determine the causes of marine casualties in their geographical areas of  
3 jurisdiction.

4 **SEC. 12. *Ship Safety Inspection Services.***- The designated ship safety inspectors of  
5 the PCG shall meet the qualification requirements prescribed for ship safety inspectors under  
6 the existing ship safety inspection system. Such qualified ship safety inspectors shall be fully  
7 familiar with the pertinent safety rules and regulations for domestic ships, and undergo  
8 orientation/training on ship safety inspection.

9  
10 All inspectors of the PCG performing ship safety inspection services at locations  
11 outside 100-kilometer radius from their official stations shall be provided reimbursement of  
12 travel expenses in accordance with Executive No. 298, subject to the usual accounting and  
13 auditing rules and regulations.

14  
15 In the conduct of ship safety inspection services by the PCG in areas within 100-  
16 kilometer radius from the official stations of their inspectors, a reasonable amount to cover  
17 gasoline expenses, supported by official receipts shall be allowed for reimbursement, as  
18 authorized by a valid travel order issued for the purpose.

19  
20 **SEC. 13. *Penalties for Specific Violations.*** - Loss of lives and properties resulting  
21 from a ship safety inspector's violation of this Act shall be punished accordingly:

- 22  
23 a) Simple negligence - This shall be punishable by imprisonment of six (6) months to  
24 one (1) year at the discretion of the court;  
25  
26 b) Gross dereliction of duty - This violation shall be punishable by imprisonment of one  
27 (1) year to three (3) years at the discretion of the court;  
28  
29 c) Abandonment of post - This shall be punishable by imprisonment of three (3) years to  
30 six (6) years at the discretion of the court;  
31  
32 d) Excess Passengers - This violation shall be punishable by imprisonment of one (1)  
33 year to three (3) years for every passenger in excess of the actual physical capacity of  
34 the vessel, at the discretion of the court;  
35  
36 e) Excess Gross Tonnage - This shall be punishable by imprisonment of (3) years to six  
37 (6) years for every gross tonnage in excess of the actual physical capacity of the  
38 domestic vessel being allowed to depart port, at the discretion of the court;  
39  
40 f) Payment of damages to commercial vessels operators/owners - In case a commercial  
41 vessel does not sail due to failure of the designated ship safety inspectors of the PCG  
42 to perform their duty, the assigned officers and/or inspectors for operational and  
43 random inspections shall pay the actual damage to the said commercial vessel.

44  
45 **SEC. 14. *General Penal Clause.*** - Any other violation of this Act by any person shall  
46 be punished with a fine of not less than one hundred thousand pesos nor more than five  
47 hundred thousand pesos or by imprisonment of six (6) months to five (5) years or both at the  
48 discretion of the court: *Provided*, That in case the violation is committed by an association  
49 or corporation, the penalty herein prescribed shall be imposed on the responsible officers or

1 directors thereof: *Provided, further*, That nothing in this Act shall prevent the PCG from  
2 providing administrative penalties for violation of any regulation that it promulgates.

3 **SEC. 15. *Appropriation.*** - The funds needed for this purpose shall be taken from the  
4 appropriations of the Department of Transportation and Communication. Thereafter, such  
5 amount necessary for the implementation of this Act shall be included in the annual General  
6 Appropriations Act.

7  
8 **SEC. 16. *Separability Clause.*** - If any provision of this Act shall at any time be found  
9 to be unconstitutional or invalid, the remainder thereof not affected by such declaration shall  
10 remain in full force and effect.

11  
12 **SEC. 17. *Repealing Clause.*** - All laws, decrees, rules or regulations inconsistent with  
13 the provisions of this Act are hereby repealed or modified accordingly.

14  
15 **SEC. 18. *Effectivity Clause.*** - This Act shall take effect after fifteen (15) days  
16 following its complete publication in two (2) newspapers of general circulation.

*Approved,*