

**DEPARTMENT OF TOURISM
MANILA**

**RULES AND REGULATIONS
TO GOVERN THE ACCREDITATION OF MOTORIZED BOAT/BANCA
ENGAGED IN TOURISM ACTIVITIES AND SERVICES**

PURSUANT TO THE PROVISIONS OF EXECUTIVE ORDER NO. 120 DATED JANUARY 30, 1987, THE FOLLOWING RULES AND REGULATIONS ARE HEREBY PROMULGATED TO GOVERN THE ACCREDITATION OF MOTORIZED BOAT/BANCA OF 20 GROSS TONNAGE (GRT) AND BELOW AND ENGAGED IN TOURISM ACTIVITIES AND SERVICES.

CHAPTER I

Section 1. Definition of Terms - When used in these rules, the following terms shall, unless the context otherwise indicates, have the following meaning:

- A. "Motorized Boat/Banca Engaged in Tourist Services" shall mean a vessel of 20 Gross Tonnage (GRT) and below engaged in providing water transport services including sightseeing and other water-related tourism activities to foreign or domestic tourists for a fee or any form of compensation.
- B. "MARINA" shall mean the Maritime Industry Authority.
- C. "DOT" shall mean the Department of Tourism.
- D. "Certificate of Public Convenience (CPC)" is the franchise issued by MARINA to a vessel authorizing it to operate as a domestic water transportation service for commercial and public use, pursuant to the Public Service Act.
- E. "Special Permit (SP)/Provisional Authority (PA)" is the temporary permit issued by MARINA to a vessel to operate a liner or service, pending the issuance of Certificate of Public Convenience.
- F. "Accreditation" is a certification issued by the Department that the holder is recognized by the Department as having complied with its minimum standards in the operation of the establishment concerned.

CHAPTER II

STANDARD REQUIREMENTS FOR MOTORIZED BOAT/BANCA ENGAGED IN TOURISM ACTIVITIES AND SERVICES

Section 2. Minimum Requirements - For purposes of accreditation, the following are the minimum requirements for the operation and maintenance of a Motorized Boat/Banca Engaged in Tourism Activities and Services including sightseeing and other water-related tourism activities:

A. Type of Vessel

- Any Motorized Boat/Banca engaged in providing water transport services including sightseeing and other water-related tourism activities to foreign or domestic tourist.

B. Physical Appearance

- The Boat/Banca shall be made of good quality materials and in accordance with MARINA standards;
- It shall be painted with a color prescribed by the Department;
- It shall be clean and well-maintained;
- It shall have a non-skid gangplank of good quality materials and with a minimum width of two (2) feet; and
- The company's name and certificate of number issued by MARINA as well as the approved seating capacity/weight restrictions shall be clearly imprinted on both sides of the boat.

C. Equipment/Accessories

The Boat/Banca shall be provided with the following equipment:

1. Life-Saving and Firefighting Equipment and Facilities

- Adequate number of lifevest as specified in the MARINA Certificate of Inspection to be given to and worn by passengers upon boarding;
- Adequate number of required firefighting facilities in accordance with the Philippine Merchant Marine Rules and Regulations (PMMRR); and
- First Aid kit with adequate supply of emergency medicines.

2. Lighting Signals

- Adequate lighting (2 coleman type, fore and aft portion of the boat/banca, if operating at night time); and
- Flashlights and at least four (4) hand held flares.

3. Radio Equipment

- VHF with capability on 156.8/156.3/156.6MHz

D. Waste Bin/Waste Disposal

- The Boat/Banca shall be provided with adequate waste bins; and
- There shall be a short briefing on boat rules on safe travel, proper waste disposal and other concerns before boarding or an adequate notice thereof or brochures shall be conspicuously displayed on the Motorized Boat/Banca or given to passengers.

E. Service and Staff

- The boat/banca shall be manned by at least two (2) boatmen who are well trained, efficient and courteous and with proper work permit/license from MARINA;
- The boatmen shall wear Identification Cards and clean uniform prescribed by the Department at all times; and
- The boatmen shall provide optimum service geared on passenger safety, comfort and convenience.

CHAPTER III

DOCUMENTARY REQUIREMENTS FOR ACCREDITATION OF MOTORIZED BOAT/BANCA ENGAGED IN TOURISM ACTIVITIES AND SERVICES

Section 3. Who May Apply for Accreditation. The following may apply for accreditation as Operator of Motorized Boat/Banca Engaged in Tourism Activities and Services:

- A. A single proprietorship owned by a resident Filipino citizen;
- B. A partnership organized under the laws of the Philippines, at least 60 % of its capital being owned by Filipino citizens; and
- C. A corporation organized under the laws of the Philippines, at least 60% of the subscribed common or voting shares of stocks of which is owned by Filipino citizens and the composition of its Board of Directors being at least 60% Filipinos.

Section 4. Documents Required to Support Application for Accreditation to Operate a Motorized Boat/Banca Engaged in Tourism Activities and Services. The application for accreditation shall be accompanied by the following documents:

- A. In the case of single proprietorship, a Business Name Certificate and all amendments thereto duly registered with the Bureau of Trade Regulation and Consumer Protection, Department of Trade and Industry; in the case of a corporation/partnership, a certified copy of the Articles of Incorporation/Partnership and its By-Laws and amendments thereto, duly registered with the Securities and Exchange Commission;
- B. Mayor's Permit and/or Municipal License;
- C. Resolution of the Board of Directors authorizing the filing of the application and designating the person authorized to sign and act for and in its behalf and transact business with the Department. If single proprietorship or partnership, a letter of authority from the owner/partners;
- D. Complete list of its officers and employees, indicating therein the nationality, home address and position, certified correct under oath by the general manager/president;
- E. MARINA Documents
 - Copy of MARINA certificate of inspection which validity shall not be less than three (3) months from the date of filing of application with the Department; and
 - Valid Certificate of Public Convenience (CPC)/Provisional Authority (PA) Special Permit (SP) with attached rider, if applicable, containing the schedule of trips and authorized rates and/or certification that an application for CPC with the MARINA is under process indicating therein the case number and date of application;
- F. Valid copy of the Compulsory Passenger Insurance with appropriate coverage for each passenger;
- G. Copy of rates and routes to be served and schedules; and
- H. Such other documents that the Department may require from time to time.

CHAPTER IV INSPECTION

Section 5. Creation of an Inspection Team. The Department shall create an inspection team composed of at least one (1) member each from the Department and the MARINA to conduct inspection of the Motorized Boat/Banca to determine whether it meets the standards set by the Department.

Section 6. Inspection Checklist to be Accomplished During Ocular Inspection of Boat/Banca. The team shall provide itself with a set of inspection checklist of requirements for the Boat/Banca.

Section 7. All Observations of the Applicant to be Entered in the Inspection Checklist. Any observation of the applicant or its duly authorized representative present at the time of the inspection on any adverse findings of the team shall be entered in the inspection checklist. The applicant shall then be furnished with a copy of the accomplished inspection checklist.

Section 8. Report of the Team. - Within five (5) days from the date of the inspection of the boat/banca, the team shall render a report of its findings and recommendations.

Section 9. Defects and Deficiencies Found During the Inspection. Where certain defects and deficiencies have been found in the course of the inspection, the Department shall serve notice and give direction to the proprietor, manager or operator to rectify the defects or deficiencies within a reasonable period of time.

Section 10. Periodic Inspection. When necessary or when the public interest and safety dictates, the Department may send an inspection team under Section 5 hereof, for the purpose of finding out whether the accredited boat/banca is being kept and/or managed in a manner conforming to the standards set by the Department. The inspection shall be conducted at a reasonable time of the day with due regard and respect accorded to the right of privacy of parties concerned.

Section 11. Penalty for Failure to Remedy the Defects and Deficiencies. Failure of the management to remedy the defects or deficiencies shall be a ground for the revocation of the boat/banca Certificate of Accreditation.

CHAPTER V ISSUANCE OF CERTIFICATE OF ACCREDITATION

Section 12. Issuance of Certificate of Accreditation. If the applicant has satisfactorily complied with the minimum standards and the prescribed documentary requirements, the Department shall then issue the Certificate of Accreditation in favor of the applicant.

Section 13. Validity of Certificate of Accreditation. The validity of Certificate of accreditation shall be co-terminous with the expiry date of the MARINA Certificate of Inspection but in no case less than three (3) months or more than one (1) year.

Section 14. Accreditation Fees. An accreditation fee of THREE HUNDRED (P300.00) PESOS per boat/banca shall be collected from the applicant that has complied with the requirements for accreditation.

CHAPTER VI SUPERVISION OF MOTORIZED BOAT/BANCA ENGAGED IN TOURISM ACTIVITIES AND SERVICES

Section 15. Request for the Department Identification Cards. The Department Identification Cards shall be issued to bonafide employees of the operator of the motorized boat/banca engaged in tourist services upon request subject to payment of a nominal fee; provided, that said employees are included in the list of personnel submitted by the operator.

Section 16. Surrender of ID Card. The operator shall within seven (7) days notify the Department of officers and employees who have ceased to be employed from their firm and shall surrender said officers'/employees' ID cards.

Section 17. Display of DOT Certificate of Accreditation and Other MARINA Documents. The Certificate of Accreditation and other certified true copy of MARINA documents listed below shall be displayed in a conspicuous place of the boat/banca.

- A certified true copy of the MARINA Authority to operate, i.e., the Certificate of Public Convenience/Provisional Authority/Special Permit as the case maybe, otherwise, the boat/banca shall have the following documents readily available.
 - Certificate of Inspection: Special Certificate of Inspection for vessel 3 GRT and below or Regular Certificate of Inspection for vessels above 3 GRT.
 - Certificate of Ownership
 - Bay and River License
 - Passenger Insurance

Section 18. Non-Transferability of Certificate of Accreditation - The rights over the accreditation shall be non-transferable.

CHAPTER VII GROUNDS FOR THE CANCELLATION OF ACCREDITATION

Section 19. Grounds for the Cancellation of Accreditation. Any of the following acts or omissions shall be sufficient grounds for the cancellation of

accreditation and shall warrant this Department to report the same to MARINA for appropriate action.

- A. Making any false declaration or statement or making use of any such declaration or statement or any document containing the same or committing fraud or any act of misrepresentation for the purpose of obtaining the grant of accreditation provided that the cancellation of accreditation as herein stated shall be without prejudice to any action which may be initiated against the violator;
- B. Failure to maintain the standards and requirements for accreditation as prescribed in these rules;
- C. Violation of or non-compliance with any of the provisions of these rules, promulgated orders, decisions and circulars issued by the Department and other concerned government agencies;
- D. Promoting, facilitating or conducting activities constituting prostitution or other illegal undertakings particularly those involving children and the disadvantaged as part of a tour for both foreign and domestic tourists;
- E. Gross and evident bad faith in dealing with passengers or fraudulent solicitation of business; and
- F. Any other act or omission inimical to the interest of the tourism industry.

CHAPTER VIII MISCELLANEOUS PROVISIONS

Section 20. Separability Clause. The provisions of these rules are hereby declared separable, and in the event that said provisions or any part thereof are declared invalid, the validity of all the other provisions shall not be affected thereby.

Section 21. Repealing Clause. All existing Rules and Regulations or Circulars issued by the Department of Tourism which are inconsistent with the provisions of these Rules and Regulations are hereby repealed and/or modified accordingly.

Section 22. Effectivity. These Rules and Regulations shall take effect thirty (30) days after its publication in the Official Gazette or in a newspaper of general circulation.

**APPROVED AND PROMULGATED THIS 4th DAY OF March, 2004,
MANILA, PHILIPPINES.**

(SGD) ROBERTO M. PAGDANGANAN
Secretary

Attested By:

(SGD) ATTY. OSCAR P. PALABYAB
Undersecretary
Tourism Services and Regional Offices

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