



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS
MARITIME INDUSTRY AUTHORITY
PANGASIWAAN NG KALAKALANG PANDAGAT



IMPLEMENTING RULES AND REGULATIONS of REPUBLIC ACT 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, OTHERWISE KNOWN AS THE “MARINA STCW ADMINISTRATION ACT OF 2014”

**RULE I
PRELIMINARY PROVISIONS**

Section 1. Short Title

Republic Act No. 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” shall also be known as the “MARINA STCW Administration Act of 2014.”

Section 2. Title of these Rules

These rules shall be known as the “Implementing Rules and Regulations (IRR) for MARINA STCW Administration Act of 2014”.

Section 3. Scope and Coverage

These rules shall cover the role of the Maritime Industry Authority as the single maritime Administration mandated to implement and enforce the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), as amended, for all seafarers registered or certificated in the Philippines. These rules shall likewise cover all government agencies and entities involved in the entire process of securing all relevant certificates and documentary evidence for the seafarer under STCW.

**RULE II
DEFINITION OF TERMS**

Section 4. Definition of Terms

As used in this IRR, the following definitions shall apply:

1. "STCW Convention" or "STCW" refers to the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, and its subsequent amendments;
2. "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 STCW;
3. "STCW Office" (STCWO) refers to the office in MARINA, specifically tasked to give full and complete effect to the requirements of STCW;
4. "CHED" refers to the Commission on Higher Education;
5. "TESDA" refers to the Technical Education and Skills Development Authority;
6. "PRC" refers to the Professional Regulation Commission;
7. "NTC" refers to the National Telecommunications Commission;
8. "DOH" refers to the Department of Health;
9. "TPME" refers to the Technical Panel on Maritime Education of the CHED, chaired by the Administrator;
10. "MERC" refers to the Monitoring, Evaluation and Review Committee of the CHED, chaired by the STCW Executive Director;
11. "BOMDO" refers to the Board of Marine Deck Officers under MARINA;
12. "BOMEEO" refers to the Board of Marine Engineer Officers under MARINA;
13. "BODRA" refers to the Board of Deck Ratings under MARINA;
14. "BOERA" refers to the Board of Engine Ratings under MARINA;
15. "EAP" refers to the Examiners of Ancillary Proficiencies under MARINA;
16. "POSE" refers to the Panel of STCW Experts, chaired by the STCW Executive Director;
17. "NQSS" refers to the National Quality Standards System of MARINA;
18. "QSS" refers to the Quality Standards System of MARINA;
19. "Certificate" means a valid document, such as a Certificate of Competency, a Certificate of Endorsement, or a Certificate of Proficiency, issued by, under the authority of, or recognized by the Administration, authorizing the holder to serve as stated in this document, or as authorized otherwise by the Administration;
20. "Certificated" means properly holding a certificate;
21. "Certificate of competency" (COC) refers to a certificate issued and endorsed for 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;

22. "Certificate of endorsement" (COE) is an attestation of the Administration as to the authenticity and validity of the certificates, incorporated in the format of the certificates issued to masters, officers and GMDSS radio operators, stating that the issuance of the relevant certificate is in compliance with the requirements of the STCW Convention;
23. "Certificate of proficiency" (COP) means a certificate, other than a certificate of competency, issued to a seafarer by or under the authority of the Administration, stating that the relevant requirements of training competencies or seagoing service under the STCW Convention have been met;
24. "Documentary evidence" (DE) refers to any documentation, other than a COC, COE, or COP, used to establish that the relevant requirements of the STCW Convention have been met;
25. "Seafarer" means 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;
26. "Deck officer" means an officer qualified in accordance with the provisions of chapter II of the STCW Convention;
27. "Master" means the person having command of a ship;
28. "Chief mate" means the officer next in rank to the master and upon whom the command of the ship will fall in the event of the incapacity of the master;
29. "Officer in Charge of Navigational Watch" (OIC-NW) means a deck officer in the operational level who has direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction of the master or chief mate for that responsibility;
30. "Engineer officer" means an officer qualified in accordance with the provisions of regulation III/1, III/2 or III/3 of the Convention;
31. "Chief engineer officer" means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship;
32. "Second engineer officer" means the engineer officer next in rank to the chief engineer officer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and

electrical installations of the ship will fall in the event of the incapacity of the chief engineer officer;

33. "Officer in charge of an engineering watch" (OIC-EW) means an engineer officer in the operational level who has direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction of the chief engineer officer or second engineer officer for that responsibility;
34. "Electro-technical officer" (ETO) means an engineer officer who performs the tasks, duties and responsibilities listed in column 1 of Table A-III/6 of the STCW Code.
35. "GMDSS radio operator" means a person who is qualified in accordance with the provisions of chapter IV of the STCW Convention;
36. "Ship security officer" (SSO) means the person on board the ship, accountable to the master, designated by the company as responsible to the security of the ship including implementation and maintenance of the ship security plan and liaison with the company security officer and port facility security officers;
37. "Rating" means a member of the ship's crew other than the master or an officer;
38. "Able seafarer deck" means a deck rating competent to perform the functions at the support level, as specified in column 1 of Table A-II/5 of the STCW Code, and who has previously qualified to serve as a rating forming part of a navigational watch;
39. "Rating forming part of a navigational watch" means a deck rating competent to perform the navigation function at the support level, as specified in column 1 of Table A-II/4 of the STCW Code, and pursuant to Section A-II/4, Paragraph 4 of the STCW Code, the appropriate training, assessment and certification requirements to personnel performing other functions at the support level, that may be determined by the Administration;
40. "Able seafarer engine" means an engine rating competent to perform the functions at the support level, as specified in column 1 of Table A-III/5 of the STCW Code, and who has previously qualified to serve as a rating forming part of an engineering watch;
41. "Rating forming part of an engineering watch" means an engine rating competent to perform the marine engineering function at the support level, as specified in column 1 of Table A-III/4 of the STCW Code, and pursuant to Section A-III/4, Paragraph 4 of the STCW Code, the appropriate training, assessment and certification requirements to personnel performing other functions at the support level, that may be determined by the Administration;

42. "Electro-technical rating" means an engine rating competent to perform the functions at the support level, as specified in column 1 of Table A-III/7 of the STCW Code;
43. "Assessment" means the process of evaluating evidence of competence through one or more of the methods of demonstrating competence (Column 3 of the tables) under the STCW Code;
44. "Function" means a group of tasks, duties and responsibilities, as specified in the STCW Code, necessary for ship operation, safety of life at sea or protection of the marine environment, and are as follows: Navigation; Cargo Handling and Stowage; Controlling the operation of the ship and care for persons on board; Marine engineering; Electrical, electronic and control engineering; Maintenance and repair; and Radiocommunications;
45. "Level of responsibility" refers to either Management level, Operational level or Support level;
46. "Competence" refers to a specific task, as identified in Column 1 of the Competency Tables of the STCW Code, or as otherwise specifically determined by the Administration;
47. "Standard of competence" refers to the minimum knowledge, understanding and proficiency, as listed in the relevant Column of the STCW Competency Tables, which a seafarer must be able to demonstrate to be entitled to certification, to the satisfaction of the Administration;
48. "Approved in-service experience on board" means experience while serving on board a ship relevant to specific competency for the purpose of issuance or revalidation of certificates under STCW, as established and recognized by the Administration.
49. "Approved in-service experience ashore" means experience acquired other than while serving on board ship relevant to specific competencies for the purpose of issuance or revalidation of certificates under STCW, as established and recognized by the Administration.
50. "In-service training on board" means training of a seafarer on board ship, intended to be used for qualifying for certification under STCW, as approved by the Administration;
51. "In-service training ashore" means training of a seafarer ashore, intended to be used for qualifying for certification under STCW, as approved by the Administration;
52. "Approved training program" (ATP) means a training program relevant to specific competencies, as established and approved by the Administration;

53. "Practical training" means a component of a training program covering the practical aspects relevant to specific competencies, as approved by the Administration;
54. "Distance learning" means a component of a training program relevant to specific competencies, on an individual basis, to learners who are not physically present in a traditional setting, by providing access to learning when the source of information and the learners are separated by time and distance, as approved by the Administration;
55. "E-learning" means the use of electronic media and information and communication technologies for the purpose of educating and training learners relevant to specific competencies, as approved by the Administration;
56. "Approved training ship experience" means experience on board a registered sea-going training ship relevant to specific competencies, as established and approved by the Administration;
57. "Approved simulator training" means training using machines, which can simulate the operating capabilities of shipboard equipment concerned to a level of physical and behavioral realism producing a variety of actual or probable real life conditions, events or situations, compliant with STCW performance standards for simulators, relevant to specific competencies, as established and approved by the Administration;
58. "Approved laboratory equipment training" means training using actual laboratory equipment in a controlled environment, relevant to specific competencies under the STCW, as established and approved by the Administration;
59. "Approved manned scale ship model training" means training using miniature fully scaled model ships in the professional training and development of seafarers in the art of handling a ship, relevant to specific competencies under the STCW, as established and approved by the Administration;
60. "Daily journal of bridge watchkeeping duties" is a documentary evidence required by the Administration showing specific activities during bridge watchkeeping of a candidate for COC and COE as Officer-in-Charge of a Navigational Watch, under the supervision of the master or a qualified officer for a period of not less than one hundred eighty (180) days, in compliance with Regulation II/1 (2.3) of the STCW;
61. "Daily journal of engine-room watchkeeping duties" is a documentary evidence required by the Administration showing specific activities during engine-room watchkeeping activities of a candidate for COC and COE as Officer-in-Charge of an Engineering Watch, under the supervision of the chief engineer officer or a qualified engineer officer for a period of not

less than one hundred eighty (180) days, in compliance with Regulation III/1 (2.3) of the STCW;

62. "Security duties" include all tasks and duties on board ship as defined by Chapter IX-2 of the International Convention for the Safety of Life at Sea (SOLAS) and the International Ship and Port Facility Security (ISPS) Code;
63. "Examination" means a formal test of a person's knowledge, understanding or proficiency in any of the specific competencies under Column 1 of the Competency Tables of the STCW Code;
64. "Record of Examination" (ROE) means a documentary evidence maintained and regularly transmitted within the prescribed period by an approved examination institution to the Administration;
65. "Record of Assessment" (ROA) means a documentary evidence maintained and regularly transmitted within the prescribed period by an approved assessment institution to the Administration;
66. "Seagoing ship" means a ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;
67. "Maritime Higher Education Institution" or "MHEI" refers to a higher education institution that offer Bachelor of Science in Marine Transportation or Bachelor of Science in Marine Engineering programs;
68. "Maritime education and training program" or "METP" refers to any program in maritime education and training leading to competence under STCW and the corresponding baccalaureate degree of either Bachelor of Science in Marine Transportation or Bachelor of Science in Marine Engineering;
69. "Maritime Training Institution" or "MTI" refers to an institution that provides an approved training program;
70. "STCW Circular" refers to a directive prepared by the STCW Office, and approved by the Administrator, covering administrative and operational measures to ensure complete, effective and timely compliance by the Administration to STCW requirements;
71. "Compliant" means the state of conformance to the standards for METP, ATP or any relevant program, as prescribed by the MARINA, CHED or NTC, in compliance with STCW;
72. "Non-compliant" means the state of non-conformance or insufficiency of conformance to the standards for METP, ATP or any relevant program, as prescribed by the MARINA, CHED or NTC, in compliance with STCW;
73. "Phased-out" means the state of loss of recognition of any METP or ATP, by MARINA, CHED or NTC, or ordered and confirmed as such by the

CHED Commission en banc, consistent with the relevant CHED regulations;

74. "Suspension" means the action of the Administration in compelling an MHEI or MTI to stop conducting an approved program as a final punitive measure for non-compliance or commission of a prohibited act.
75. "Preventive suspension" means an immediate, on-the-spot measure of the Administration to stop an MHEI or MTI from conducting an approved program upon finding of commission of a prohibited act that severely affects the outcome-based learning to prevent continued violation and exerting undue influence or pressure on the witnesses against the MHEI or MTI and its concerned personnel liable for the violation.
76. "Learner" refers to any person undergoing any METP, ATP, or any similar process, intending to be competent or proficient, with the ultimate goal of being properly certificated under the STCW by the Administration;
77. "Instructor" refers to a qualified, competent and skilled person approved by the Administration to conduct a specific education or training program;
78. "Assessor" refers to a qualified, competent and skilled person approved by the Administration, involved in the process of evaluating evidence of competence through one or more of the methods of demonstrating competence (Column 3 of the tables) under the STCW Code;
79. "Evaluator" refers to a qualified, competent and skilled person approved by the Administration, involved in the process of evaluating evidence of compliance of MHEI, MTI or any institution or person approved by the Administration that provides services for the purpose of the seafarer's compliance under the STCW;
80. "Appropriate media" refers primarily to the MARINA website, other government agency website, and social media, and may include Advisories, printing in a newspaper of general circulation, or any other medium that will promote the widest dissemination among the public of the list of compliant, suspended or phased-out METPs and ATPs.
81. "Medical facility" refers to a DOH-accredited hospital, clinic, or other health facilities, including its recognized medical practitioners, conducting the medical fitness for seafarer, in accordance with the STCW.

RULE III TRAINING, CERTIFICATION AND WATCHKEEPING POLICIES AND PROCEDURES

Section 5. Adoption of Training, Certification and Watchkeeping Policies

The MARINA shall:

1. Act as the single and central maritime Administration for all purposes relating to compliance with the STCW Convention. As such, all policies in compliance with the STCW Convention shall be approved by MARINA;
2. Regulate all processes relating to and leading to the issuance of any certificate of competency, certificate of endorsement, certificate of proficiency and documentary evidence used to establish that the relevant requirements of STCW have been complied with;
3. Establish a uniform, consistent, comprehensive and simplified assessment, licensing and certification system for masters, deck and engine officers, and GMDSS radio operators, in accordance with the requirements prescribed under STCW;
4. Establish a uniform, consistent, comprehensive and simplified assessment and certification system for ratings;
5. Ensure that any redundancy in the examination and assessment system for certification is avoided;
6. Assess, revalidate and issue GMDSS radio operator's certificate in accordance with the provisions under the STCW Convention, in coordination with NTC;
7. Continually develop dynamic policies and procedures for compliance of all public and private Maritime Higher Education Institutions (MHEIs) and Maritime Training Institutions (MTIs). Such policies and procedures shall be regularly updated and, as a minimum, include provisions on non-compliant and prohibited acts, phasing out of programs, intervention, monitoring and enforcement systems, mechanisms and procedures;
8. Recommend to the CHED the closure/phase-out of substandard MHEIs, as per the evaluation of the TPME, in accordance with the rules and regulations;
9. Recommend alternative schemes or options for phased-out MHEIs;
10. Ensure that the medical standards established to ascertain the medical fitness of seafarers are in accordance with the international conventions/treaties and existing laws, and publish a list of DOH-accredited medical facilities;
11. Establish procedures to ensure that documentary evidence to verify fulfillment of watchkeeping requirements for certification under STCW are complied with;
12. Establish and maintain a continuous profiling database of all registered Filipino seafarers, and other seafarers authorized to operate in Philippine territory through dispensations or similar arrangements;

13. Hold companies responsible for the assignment of seafarers for service on their ships in ensuring that they are properly qualified and certificated in accordance with STCW.

Section 6. Duties and Responsibilities of the Administration and Concerned Agencies and Offices

The following offices, entities and persons shall have the following duties and responsibilities:

Section 6.1 MARINA Administrator

The MARINA Administrator shall be responsible for the overall compliance with STCW requirements. As such, it is the Administrator's duty to:

1. Ensure that all METPs, including the curricula and training programs of all public and private MHEIs including state universities and colleges (SUCs), 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 by:
 - .1 Chairing the Technical Panel for Maritime Education (TPME) of CHED;
 - .2 In coordination with the CHED, monitoring and verifying compliance with the policies, standards, and guidelines of maritime education in the conduct of maritime education and training programs, through the responsible officers under the STCW Office;
 - .3 Reviewing and harmonizing the procedures for periodic evaluation, assessment and monitoring of all MHEIs in accordance with the standards of the CHED and other recognized international organizations;
2. Ensure active participation of the Administration in international events and forums, relevant to STCW and related agreements;
3. Ensure that the substantive and procedural requirements for the Administration's effective and efficient mechanisms are continually identified, updated and in order;
4. Develop, formulate and recommend for implementation, strict quality assurance mechanisms and relevant typology for METPs, ATPs and concerned institutions;
5. Maintain updated lists of compliant, non-compliant, suspended or phased-out METP and ATP, and publish such lists in appropriate media;

6. Archive in the MARINA website non-compliant and/or prohibited acts committed by MHEIs and MTIs;
7. Provide the public with a clear understanding of the consequences of enrolling in a suspended or phased-out program;
8. Ensure that the key performance indicators of the NQSS & QSS reflect measurable outcomes;
9. Ensure that all approved instructors, supervisors and assessors are appropriately qualified for the particular types and levels of training or assessment of competence of seafarers either on board or ashore, as provided under Section A-1/6 of STCW;
10. Recommend to the Maritime Industry Board the composition and membership of the STCW Advisory Council that the Board may create;
11. Ensure that at least one of either the Executive Director or Deputy Executive Director of the STCW Office possesses a merchant marine officer qualification by making the appropriate recommendation to the Secretary of Transportation and Communications (SOTC) whenever a vacancy arises in one or both of the above positions;
12. Notwithstanding anything contained in other rules and regulations, approve STCW Circulars to effect full compliance with STCW, prepared by the STCW Office, through its Executive Director.

Section 6.2 Executive Director, STCW Office

The Executive Director of the STCW Office shall:

1. Conduct a nationwide information dissemination and campaign on proper STCW compliance for all concerned parties;
2. Periodically provide the Administrator with a prospective list of compliant, non-compliant and phased-out maritime education and training programs, MHEIs and MTIs;
3. For ATPs, monitor and evaluate reports of Regional Offices on incidents and cases of non-compliance and prohibited acts, and conduct periodic and random monitoring activities;
4. For METPs, in coordination with CHED, monitor and evaluate reports of Regional Offices on incidents and cases of non-compliance and prohibited acts, conduct periodic and random monitoring activities;
5. Direct the Deputy Executive Director on the operational requirements of the different divisions under the STCW Office;

6. Direct the BOMDO, BOMEQ, BODRA, BOERA, EAP, and POSE on all STCW-related matters;
7. Direct the MARINA Regional Offices, through their Regional Directors, on all STCW-related concerns;
8. Recommend to the Administrator, at least three (3) qualified and competent persons, as appropriate, for every vacancy in Boards under the Examination and Assessment Division of STCW;
9. Serve as alternate Chair of the TPME, on behalf of the Administrator, except in cases when the TPME is set to deliberate on recommendations put forward by the MERC;
10. Chair the Monitoring, Evaluation and Review Committee (MERC) of CHED;
11. Recommend to the Administrator sanctions and penalties to erring MHEIs and MTIs;
12. Approve Examination and Assessment Procedures as recommended by BOMDO, BOMEQ, BODRA, BOERA and EAP;
13. Issue requests, orders, decisions or penalties directed to seafarers, MHEIs, MTIs, shipping companies and other entities, as appropriate, for proper implementation and administration of STCW; and
14. Notwithstanding anything contained in other rules and regulations, prepare STCW Circulars to achieve full and effective compliance with STCW, for approval by the Administrator.

Section 6.3 Deputy Executive Director, STCW Office

The Deputy Executive Director of the STCW Office shall:

1. Direct and supervise the activities of all the divisions under the STCW Office;
2. Act on behalf of the Executive Director on all STCW concerns;
3. Ensure that all Certificates of Competence and Endorsements are issued in accordance with Regulation I/2 of STCW, and that a unique number is assigned to each, and
4. Assist in developing and formulating strict quality assurance mechanisms and relevant typology for maritime education and training programs of MHEIs and MTIs and other STCW-related institutions;

Section 6.4 Boards of Examiners under the STCW Office

Section 6.4.1 Board of Marine Deck Officers (BOMDO)

1. Composition

The Board of Marine Deck Officers (BOMDO) shall be composed of seven (7) registered masters with at least one-year command of sea-going ship of 3,000 gross tons or more within the last five (5) years, are qualified and certificated Assessors, and well-recognized in the industry for integrity and professionalism, subject to the following requirements:

1. At least four (4) members shall have been certificated on tankers;
2. At least two (2) members must have prior experience as educator/trainer in an MHEI or MTI for at least two (2) years on STCW-related course(s);
3. At least four (4) members shall have prior approval as assessor of competence with the use of simulators;
4. Four (4) members including the Chairman shall be assigned at the MARINA STCW Central Office;
5. Three (3) members possessing all the requirements under (1), (2), and (3) above may be assigned to MARINA Regional Offices in order to allow assessment of competence in the region.

2. Selection, Term of Office and Compensation

Every vacancy in the BOMDO shall be filled, by complying with the following procedures:

1. Prospective applicants shall be shortlisted down to three (3) qualified candidates, based on merits, with due consideration for the composition requirements, by the STCW Office, at least three months prior to the required assumption of office;
2. The Administrator shall select and appoint the member(s) of the BOMDO from among the candidates in the submitted shortlist;
3. The members of the BOMDO shall be appointed for a period of three (3) years, except for the initial seven (7) members, where four (4) members, including the three (3) that may be assigned in the regional offices, shall be appointed for a term of three (3) years; one member for two years and six months; one member for two years; and one member for one year and six months, respectively;

4. The BOMDO shall be chaired by the member whose term will expire first;
 5. The compensation and allowances of the chairman and members of the BOMDO shall be comparable to the chairman and members of existing PRC regulatory boards;
 6. There shall be no re-appointment of any member within a period of three (3) years from the time of completion or termination of service;
3. Duties and Responsibilities
- The BOMDO shall:
1. Establish examination and assessment procedures for Marine Deck Officers, in compliance with STCW, and with the approval of the STCW Executive Director;
 2. Create and evaluate a database of questions for competence-based examination, as per the STCW Table of Competencies;
 3. Review and replenish the database of examination questions per required competence at a rate of 20% every year;
 4. Assess evidence of competence in accordance with the STCW;
 5. Ensure that all candidates for COCs and COEs as Officer-in-Charge of Navigational Watch have completed at least six (6) months of bridge watchkeeping duties, by requiring a "daily journal of bridge watchkeeping duties" conducted during the navigational watch on board ship, covering a minimum period of 180 days, and that all the requirements appropriate to the operational level of responsibility, consistent with STCW functions and competencies have been complied with;
 6. Ensure that all candidates for certification as GMDSS Radio Operator have complied with the requirements of Chapter IV of STCW, in coordination with NTC;
 7. Ensure that all candidates for COCs and COEs at the management level have complied with all the requirements appropriate to that level of responsibility, consistent with STCW functions and competencies.

Section 6.4.2 Board of Marine Engineer Officers (BOMEQ)

1. Composition

The Board of Marine Engineer Officers (BOMEO) shall be composed of seven (7) registered chief engineer officers with at least one-year service as chief engineer officer of sea-going ship powered by main propulsion machinery of 3,000 kilowatts or more within the last five (5) years, are qualified and certificated Assessors, and well-recognized in the industry for integrity and professionalism, subject to the following requirements:

1. At least four (4) members shall have been certificated on tankers;
 2. At least two (2) members must have prior experience as educator/trainer in an MHEI or MTI for at least two (2) years on STCW-related course(s);
 3. At least two (4) members shall have prior approval as assessor of competence with the use of simulators;
 4. At least one (1) member shall have on-board experience with ship propulsion system other than marine diesel engines;
 5. Four (4) members including the Chairman shall be assigned at the MARINA STCW Central Office;
 6. Three (3) members possessing all the requirements under (1), (2), and (3) above may be assigned to MARINA Regional Offices in order to allow assessment of competence in the region.
2. Selection, Term of Office and Compensation

Every vacancy in the BOMEO shall be filled, by complying with the following procedures:

1. Prospective applicants shall be shortlisted down to three (3) qualified candidates, based on merits, with due consideration for the composition requirements, by the STCW Office, at least three months prior to the required assumption of office;
2. The Administrator shall select and appoint the member(s) of the BOMEO from among the candidates in the submitted shortlist;
3. The members of the BOMEO shall be appointed for a period of three (3) years, except for the first seven (7) members, who shall be appointed for a term of three (3) years (four members, including the three assigned in Iloilo, Cebu and Davao), two years and six months (1

member), two years (1 member), and one year and six months (1 member), respectively;

4. The BOMEEO shall be chaired by the member whose term will be expiring first;
5. The compensation and allowances of the chairman and members of the BOMEEO shall be comparable to the chairman and members of existing PRC regulatory boards;
6. There shall be no re-appointment of any member within a period of three (3) years from the time of completion or termination of service;

3. Duties and Responsibilities

The BOMEEO shall:

1. Establish examination and assessment procedures for Marine Engineer Officers, in compliance with STCW, and with the approval of the STCW Executive Director;
2. Create and evaluate a database of questions for competence-based examination, as per the STCW Table of Competencies;
3. Review and replenish the database of examination questions per required competence at a rate of 20% every year;
4. Assess evidence of competence in accordance with the STCW;
5. Ensure that all candidates for COCs and COEs as Officer-in-Charge of Engineering Watch have completed at least six (6) months of engine-room watchkeeping duties, by requiring a "daily journal of engine-room watchkeeping duties" conducted during the watch on board ship, covering a minimum period of 180 days, and that all the requirements appropriate to the operational level of responsibility, consistent with STCW functions and competencies have been complied with;
6. Ensure that all candidates for COCs and COEs as Electro-technical Officer (ETO) have complied with all the requirements under Regulation III/6, including the approved seagoing service under Regulation III/6, Par. 2.2;
7. Ensure that all candidates for COCs and COEs at the management level have complied with all the requirements

appropriate to that level of responsibility, consistent with STCW functions and competencies;

8. Ensure that COCs and COEs are issued with appropriate limitations on the type of propulsion machinery and that relevant training has been completed;

Section 6.4.3 Board of Deck Ratings

1. Composition

The Board of Deck Ratings (BODRA) shall be composed of five (5) registered deck department personnel, none of whom must be a registered master, with at least five years of sea-going experience on ships of 500 gross tons or more and at least one (1) year as Able Seafarer Deck (or equivalent), are qualified and certificated Assessors, and well-recognized in the industry for integrity and professionalism, subject to the following requirements:

1. At least two (2) members shall have been certificated on tankers;
2. At least two (2) members shall have served as Able Seafarer Deck (or equivalent) on their last assignment;
3. At least one (1) member shall have prior approval as assessor of competence with the use of simulators;
4. At least two (2) members must have prior experience as educator/trainer in an MHEI or MTI for at least one (1) year on STCW-related course(s);

2. Selection, Term of Office and Compensation

Every vacancy in the BODRA shall be filled, by complying with the following procedures:

1. Prospective applicants shall be shortlisted down to five (5) qualified candidates, based on merits, with due consideration for the composition requirements, by the STCW Office, at least three months prior to the required assumption of office;
2. The Administrator shall select and appoint the member(s) of the BODRA from among the candidates in the submitted shortlist;
3. The members of the BODRA shall be appointed for a period of three (3) years, except for the first five (5) members, who shall be appointed for a term of three years, two years and six months, two years, one year and six months, and one year, respectively;

4. The BODRA shall be chaired by the member whose term will expire first;
5. The compensation and allowances of the chairman and members of the BODRA shall be comparable to a MARINA Division Chief;
6. There shall be no re-appointment of any member to any of the boards within a period of three (3) years from the time of completion or termination of service;

3. Duties and Responsibilities

The BODRA shall:

1. Establish examination and assessment procedures for all Deck Ratings, in compliance with STCW, and with the approval of the STCW Executive Director;
2. Create and evaluate a database of questions for competence-based examination, as per the STCW Table of Competencies, Table A-II/4 or Table A/II/5, as appropriate;
3. Review and replenish the database of examination questions per required competence at a rate of 20% every year;
4. As required by Section A-II/4 (4) of the STCW Code, establish the specification of minimum standard of competence for Ratings Forming Part of Navigational Watch, in the following functions: cargo handling and stowage, and controlling the operation of the ship and care for persons on board;
5. Assess evidence of competence in accordance with the STCW;
6. Ensure that all candidates for COPs as Rating Forming Part of Navigational Watch have completed the approved seagoing service as per STCW Regulation II/4 (2.2) and have complied with all the requirements appropriate to that level of responsibility, consistent with STCW functions and competencies;
7. Ensure that all candidates for COPs as Able Seafarer Deck have completed the approved seagoing service as per STCW Regulation II/5 (2.3) and have complied with all the requirements appropriate to that level of responsibility, consistent with STCW functions and competencies.

Section 6.4.4 Board of Engine Ratings (BOERA)

1. Composition

The Board of Engine Ratings (BOERA) shall be composed of five (5) registered engine department personnel, none of whom must be a registered chief engineer officer, with at least five years of sea-going experience on ships powered by main propulsion machinery of 750 kilowatts or more and at least one (1) year as Able Seafarer Engine (or equivalent), are qualified and certificated Assessors, and well-recognized in the industry for integrity and professionalism, subject to the following requirements:

1. At least two (2) members shall have been certificated on tankers;
2. At least two (2) members shall have served as Able Seafarer Engine (or equivalent) on their last assignment;
3. At least one member shall have served as Electro-technical Rating (or equivalent) on board ship;
4. At least one (1) member shall have prior approval as assessor of competence with the use of simulators;
5. At least two (2) members must have prior experience as educator/trainer in an MHEI or MTI for at least one (1) year on STCW-related course(s);

2. Selection, Term of Office and Compensation

Every vacancy in the BOERA shall be filled, by complying with the following procedures:

1. Prospective applicants shall be shortlisted down to five (5) qualified candidates, based on merits, with due consideration for the composition requirements, by the STCW Office, at least three months prior to the required assumption of office;
2. The Administrator shall select and appoint the member(s) of the BOERA from among the candidates in the submitted short-list;
3. The members of the BOERA shall be appointed for a period of three (3) years, except for the first five (5) members, who shall be appointed for a term of three years, two years and six months, two years, one year and six months, and one year, respectively;
4. The BOERA shall be chaired by the member whose term will expire first;

5. The compensation and allowances of the chairman and members of the BOERA shall be comparable to a MARINA Division Chief;
6. There shall be no re-appointment of any member to any of the boards within a period of three (3) years from the time of completion or termination of service;

3. Duties and Responsibilities

The BOERA shall:

1. Establish examination and assessment procedures for all Engine Ratings, including Electro-technical Ratings, in compliance with STCW, and with the approval of the STCW Executive Director;
2. Create and evaluate a database of questions for competence-based examination, as per the STCW Table of Competencies, Table A-III/4 or Table A-III/5, as appropriate;
3. Review and replenish the database of examination questions per required competence at a rate of 20% every year;
4. As required by Section A-III/4 (4) of the STCW Code, establish the specification of minimum standard of competence for Ratings Forming Part of an Engineering Watch, in the following functions: maintenance and repair, and controlling the operation of the ship and care for persons on board;
5. Assess evidence of competence in accordance with the STCW;
6. Ensure that all candidates for COPs as Rating Forming Part of Engineering Watch have completed the approved seagoing service as per STCW Regulation III/4 (2.2) and have complied with all the requirements appropriate to that level of responsibility, consistent with STCW functions and competencies;
7. Ensure that all candidates for COPs as Able Seafarer Engine have completed the approved seagoing service as per STCW Regulation III/5 (2.3) and have complied with all the requirements appropriate to that level of responsibility, consistent with STCW functions and competencies;
8. Ensure that all candidates for COPs as Electro-technical Rating have completed the approved seagoing service as per STCW Regulation III/7 (2.2) and have complied with all the requirements appropriate to that level of responsibility, consistent with STCW functions and competencies.

Section 6.4.5 Examiners of Ancillary Proficiencies (EAP)

1. Composition

The Examiners of Ancillary Proficiencies (EAP) shall be composed of seven (7) registered officers in the deck or engine department, with at least five years of sea-going experience on ships of 500 gross tons or more or powered by main propulsion machinery of 750 kilowatts or more, are qualified and certificated Assessors, not more than fifty (50) years old, and well-recognized in the industry for integrity and professionalism, subject to the following requirements:

1. At least one (1) member shall have been certificated and had served in the management level on an oil tanker;
2. At least one (1) member shall have been certificated and had served in the management level on a chemical tanker;
3. At least one (1) member shall have been certificated and had served in the management level on a gas tanker;
4. At least one (1) member shall have served as a deck officer on a passenger ship;
5. At least one (1) member must have served as a GMDSS Radio Operator on board ship in the last five years;
6. At least one (1) member must have served as the Ship Security Officer on board ship in the last five years;
7. At least one (1) member must have served as an Electro-technical Officer (ETO) or its equivalent in the last five years;
8. At least two (2) members must have prior experience as educator/trainer in an MHEI or MTI for at least one (1) year on STCW-related course(s);

2. Selection, Term of Office and Compensation

Every vacancy in the EAP shall be filled, by complying with the following procedures:

1. Prospective applicants shall be shortlisted down to three (3) qualified candidates, based on merits, with due consideration for the composition requirements, by the STCW Office, at least three months prior to the required assumption of office;
2. The Administrator shall select and appoint the member(s) of the EAP from among the candidates in the submitted shortlist;
3. The members of the EAP shall be appointed for a period of three (3) years, except for the first seven (7) members, where the three oldest members shall be appointed for a term of only two (2) years;

4. The EAP shall be chaired by the member whose term will expire first, or in the case of simultaneous expiration of term, the oldest member;
 5. The compensation and allowances of the chairman and members of the EAP shall be comparable to the Division Chief and Deputy Division Chief, respectively;
 6. There shall be no re-appointment of any member to the EAP or any of the boards within a period of three (3) years from the time of completion or termination of service;
3. Duties and Responsibilities
- The EAP, shall:
1. Establish examination and assessment procedures for all seafarers requiring certification under Chapter V of STCW (Special Training Requirements for Personnel on Certain Types of Ships), and with the approval of the STCW Executive Director;
 2. Through its member(s) holding the appropriate special qualification, recommend to the BOMDO, BOMEQ or the Certification Division, as appropriate, the issuance of COC as per Chapter V (Tankers) to qualified applicants;
 3. Establish examination and assessment procedures for all seafarers requiring certification under Chapter VI of STCW (Emergency, Occupational Safety, Security, Medical Care and Survival Functions), and with the approval of the STCW Executive Director;
 4. Create and evaluate a database of standardized questions for competence-based examination, for all the requirements under Chapter V and VI of STCW;
 5. Review and replenish the database of examination questionnaires per standard of competence at a rate of 20% every year;
 6. Assess evidence of competence in accordance with the STCW, as appropriate;
 7. Ensure that all candidates for COC or COP under Chapter V and VI of STCW have completed the approved seagoing service;

Section 6.5 Panel of STCW Experts (POSE)

1. Composition

The Panel of STCW Experts (POSE) shall be composed of all MARINA Maritime Education and Training Standards Supervisors (METSS) who are qualified, highly competent in their respective fields and in STCW, and well-recognized in the industry for availability, competence, integrity, dedication and professionalism.

2. Duties and Responsibilities

The POSE shall:

1. Assist the MARINA Administrator and the STCWO Executive Director in ensuring Philippine compliance with the provisions of the STCW Convention;
2. In relation to the monitoring of maritime higher education institutions (MHEIs) and maritime training institutions (MTIs):
 1. Serve as auditors/inspectors/evaluators;
 2. Prepare monitoring/audit/inspection/evaluation reports;
 3. Collate and analyze reports for the purpose of proposing improvements of monitoring procedures in the Philippine maritime education and training (MET) system;
 4. Assist the STCWO Executive Director in STCW-related curriculum development;
 5. Assist in the implementation and continuous improvement of the MARINA national quality standards system (NQSS) and the STCWO quality standards system (QSS).
3. Collectively, assist the Administration in the proper administration of STCW;
4. Contribute in developing better procedures and processes for the implementation of STCW; and
5. Through any one of its members who have the appropriate qualifications, temporarily act on behalf of any of the members of the MARINA Examination Boards in the Examination and Assessment Division, upon designation by the Administrator.

Section 6.6 Divisions under the STCW Office

To effectively implement administrative and operational measures in compliance with STCW, the following Divisions shall function under the STCW Office:

Section 6.6.1 Quality Management Division

The Quality Management Division, through its Division Chief, shall:

1. Ensure that all procedures under the NQSS and QSS are in accordance with the rules and regulations, and in compliance with STCW;
2. Implement appropriate measures for identifying and correcting non-conformance within the system;
3. Recommend mechanisms and procedures for continual improvement of the system;

Section 6.6.2 Certification Division

The Certification Division, through its Division Chief, shall:

1. Ensure that all procedures for issuance of Certificates (COCs, COEs and COPs) are in accordance with STCW;
2. Issue appropriate certificates to qualified seafarers and implement appropriate measures to ensure speedy, efficient and effective certification processes;
3. Recommend methods in improving the certification processes to better serve the seafarers, even in remote areas;
4. Authenticate copies of all COCs, COEs and COPs it has issued, exclusively.

Section 6.6.2.1 Authentication of Seafarer's Documents

1. Authentication of all COCs, COEs and COPs may be made exclusively by the STCW Certification Division.
2. Authentication of any documentary evidence, such as training certificates, approved in-service experience, record of examination or assessment, and other documentary evidence, may only be made by the issuing entity.
3. Authenticating any of the seafarer's documents by any person or entity, other than those mentioned in (1) or (2) above, constitutes a prohibited act.

Section 6.6.3 Examination and Assessment Division

The Examination and Assessment Division, through its Division Chief, shall ensure that:

1. All examination and assessment procedures are appropriate and compliant to STCW, as approved by the Executive Director;

2. All regional and remote examination and assessment offices and institutions are properly coordinated and monitored for continued compliance with STCW;
3. Ensure that all on-going examination and assessment of competence are conducted in an orderly, efficient and simple manner;
4. Policies and procedures for examination and assessment of all seafarers are properly coordinated and synchronized with their respective Boards;
5. Act as the Secretariat of all the Boards;

Section 6.6.4 Accreditation Division

The Accreditation Division, through its Division Chief, shall:

1. Establish accreditation procedures for ATPs, in compliance with STCW;
2. Plan and carry out an efficient and effective schedule of accreditation and re-accreditation of any ATP conducted by MTIs;
3. Establish accreditation procedures for distance learning, e-learning and other suitable alternative modes of learning, as necessary, with the approval of the STCW Executive Director;
4. In coordination with CHED, plan and carry out the inspection of any MHEI for accreditation;

Section 6.6.5 Monitoring Division

The Monitoring Division, through its Division Chief, shall:

1. Establish speedy, efficient and cost-effective monitoring procedures for all ATPs, in compliance with STCW;
2. Plan and carry out a schedule of regular and comprehensive monitoring of any ATP conducted by MTIs;
3. Establish monitoring procedures for distance learning, e-learning and other suitable alternative modes of learning, as necessary, with the approval of the STCW Executive Director;
4. In coordination with CHED, plan and carry out a schedule of regular and comprehensive monitoring of any MHEI;

Section 6.6.6 Administrative Services Division

The Administrative Services Division, through its Division Chief shall:

1. Establish procedures for ensuring that all the required resources of the STCW Office, especially human resources,

are adequately planned, organized, and utilized for speedy, efficient and cost-effective delivery of services;

2. Recommend improvements in the mechanisms and systems in the totality of the administration of the STCW Office;

Section 6.6.7 Legal Division

The Legal Division, through its Division Chief, shall:

1. Establish procedures for ensuring that all the legalities in STCW implementation are properly handled;
2. Investigate and implement due process requirements in processing any case, controversy, or violation in the Administration of STCW;

Section 6.6.8 Financial Services Division

The Financial Services Division, through its Division Chief, shall:

1. Establish procedures for ensuring that all the financial requirements of the STCW Office and its related services are adequately managed;
2. Recommend modes of improving cost controls and efficiency measures in the overall implementation of STCW;

Section 6.6.9 Public Information Division

The Public Information Division, through its Division Chief, shall:

1. Establish procedures for regularly and continually informing the public, especially the seafarers on the development, improvement and updates in STCW administration policies and procedures;
2. Coordinate and communicate with administrations in other countries on all matters governing STCW implementation in the Philippines;

Section 6.6.10 Research and Development Division

The Research and Development Division, through its Division Chief, shall:

1. Establish procedures for ensuring that all METPs and ATPs are conducted in accordance with STCW and related international agreements;
2. Conduct continuous research to improve the delivery of services of the STCW Office nationwide and internationally;
3. Continually develop appropriate education and training programs for proper implementation in the Philippines;

4. Through research, recommend progressive modes in ensuring the competence of the Filipino seafarers, as per STCW;

Section 6.6.11 Surveillance Division

The Surveillance Division, through its Division Chief, shall:

1. Establish surveillance procedures for ATPs, in compliance with STCW and this IRR;
2. Plan and carry out an efficient and cost-effective schedule of random surveillance of any ATP conducted by MTIs;
3. Establish surveillance procedures for distance learning, e-learning and other suitable alternative modes of learning, as necessary, with the approval of the STCW Executive Director;
4. With the approval of the STCW Executive Director, conduct random surveillance of MHEIs;
5. Institute measures to allow remote surveillance of all approved examination and assessment institutions;

Section 6.6.12 Information and Communication Technology (ICT) Management Division

The Information and Communication Technology Management Division, through its Division Chief, shall:

1. Establish procedures for ensuring that all the required ICT resources of the STCW Office, are adequately planned, organized, and utilized for speedy, efficient and cost-effective delivery of services;
2. Ensure that the STCW Office is capable of ensuring the security of its ICT systems in the central and regional offices;
3. Recommend improvements in the ICT mechanisms and systems in the totality of the administration of the STCW Office;

Section 6.7 MARINA Regional Offices

All Regional Offices shall:

1. Through the Regional Director:
 1. Encourage and support campaigns and capability-building activities on STCW compliance by MHEIs and MTIs;
 2. Review all policies adopted by MHEIs and MTIs as required by this IRR and submit consolidated reports to MARINA, through the STCW Office;
 3. Consolidate reports on incidents and cases of non-compliance and prohibited acts within the Region, including reports from Satellite Offices

within the Region, and periodically submit a corresponding Regional Report to MARINA, through the STCW Office;

4. Monitor and evaluate the implementation and enforcement of this IRR;
 5. Coordinate with appropriate offices and other agencies or instrumentalities for such assistance as it may require in the performance of its functions;
 6. Provide administrative support to the STCW Office and CHED, as appropriate, when monitoring and enforcement activities are conducted; and
 7. Effect sanctions and penalties as ordered by the Executive Director on erring MHEIs and MTIs;
 8. Recommend to the Administrator a list of candidates as Regional Evaluators, who are registered deck officers or engineer officers with at least five years of sea-going experience on ships of 500 gross tons or more or powered by main propulsion machinery of 750 kilowatts or more, and are qualified and certificated Assessors, with tanker certification, and well-recognized in the industry for integrity and professionalism;
2. Through the Regional Evaluator:
1. Assess and evaluate evidence of competence, including documentary evidence, for the issuance of COPs under Chapter V of STCW, for ratings, as appropriate;
 2. Assess and evaluate evidence of competence, including documentary evidence, for the issuance of COPs under Chapter VI, for officers and ratings, as appropriate;
 3. Issue appropriate COPs upon satisfactory compliance with (1) or (2) above.

Section 6.8 Commission on Higher Education (CHED)

The CHED shall:

1. Regulate MHEIs offering METPs, in coordination with MARINA;
2. Ensure that its Quality Standards System is aligned and consistent with the NQSS of MARINA and shall subject itself to periodic audits conducted by the Administration;
3. Maintain an updated list of MHEIs per school year, including the METPs being offered per MHEI, indicating which are compliant with CHED and STCW, and those that are determined to be non-compliant and shall notify the MARINA of such status in accordance with the agreed procedures;

4. Provide the Administrator, thru the STCW Office, information essential to the classification of MHEIs and their respective METPs, as compliant, non-compliant or phased-out;
5. Act upon the closure, phase-out, or suspension of the operations of substandard MHEIs, as per recommendation by the Administrator;
6. Provide the Administrator, thru the STCW Office, an updated quarterly list showing the status of monitoring of METPs of MHEIs, identifying which are: compliant, for decision; for monitoring; for phase-out (under appeal); and phased-out; and
7. Continue all its other functions in supervising and monitoring the conduct of METPs in MHEIs.

Section 6.9 National Telecommunications Commission (NTC)

The NTC shall:

1. Coordinate with MARINA all processes relating to accreditation, monitoring, and surveillance of ATPs conducted by MTIs, and examinations in compliance with requirements for certification of GMDSS radio operators in accordance with STCW Regulation IV/2;
2. Provide the Administrator, thru the STCW Office, information essential to the classification of MTIs and their respective ATPs that lead to relevant qualification and certification as GMDSS radio operator, as compliant, non-compliant, suspended or phased-out;
3. Recommend to MARINA the closure/phase-out of substandard ATPs of MTIs for GMDSS radio operator, in accordance with the rules and regulations;
4. Issue documentary evidence to the seafarer relating to the achievement of relevant competencies for GMDSS radio operator.

Section 6.10 Department of Health (DOH)

The DOH shall:

1. Be the responsible agency in establishing and promulgating health standards and guidelines in the regulation of medical health facilities conducting Pre-employment Medical Examinations for seafarers, through the Bureau of Health Facilities and Services;
2. Set the scope of the standard medical examinations and guidelines on the medical fitness examinations and qualifications of seafarers in accordance with the STCW, prior to deployment. The DOH through the Bureau of Health Facilities and Services (BHFS) shall inspect medical clinics and grant the corresponding accreditation as a Medical Facility for Overseas Workers to a clinic that has complied with all the accreditation standards and guidelines.

3. Ensure that medical facilities have established Quality Standards System (QSS) as part of its continuous quality improvement in the standards of medical service for seafarers;
4. Ensure that its QSS is aligned and consistent with the NQSS of MARINA and shall subject itself to periodic audits conducted by the latter as the STCW Administration; and
5. Maintain an updated list of accredited medical facilities conducting medical fitness for seafarers in accordance with the STCW.

Section 7. Education, Training, and other Requirements for Seafarers

MARINA shall prescribe all education, training, and other requirements for seafarers in compliance with STCW. As such, all MHEIs, MTIs and other entities and persons approved by MARINA, providing service leading to competence of the seafarers, shall comply with the following requirements.

Section 7.1 Maritime Higher Education Institutions (MHEIs)

Maritime Higher Education Institutions (MHEIs), through their Owner/s, Board of Directors, Presidents, Department Heads, Deans or any person who holds a comparable role, responsible for the implementation of STCW, and oversight within the MHEI, shall:

1. Adopt and implement a policy in accordance with this IRR and submit the same to the STCW Office, MARINA Regional Office and CHED;
2. Post in conspicuous locations, the MARINA and CHED contact details for reporting non-compliant and prohibited acts of MHEIs;
3. Comply with the standards and procedures in effectively implementing STCW, as approved;
4. Cooperate in the conduct of inspection, monitoring or surveillance by authorized personnel from STCW Office or CHED;
5. Conduct capacity-building activities for guidance to instructors, assessors and other required personnel to ensure their capability and fitness to properly perform their tasks;
6. Not participate in any spurious activity affecting the integrity and quality of education, training, examination, and assessment system; and
7. Report any possible, probable or actual non-compliance to the STCW Office and to CHED, for proper guidance.

Section 7.2 Maritime Training Institutions (MTIs)

Maritime Training Institutions (MTIs), through their Owner/s, Board of Directors, Presidents, Training Directors, or any person who holds a comparable role, responsible for the implementation of STCW, and oversight within the MTI, shall:

1. Adopt and implement a policy in accordance with this IRR and submit the same to the STCW Office and MARINA Regional Office;
2. Post in conspicuous locations, the MARINA contact details for reporting non-compliant and prohibited acts of MTIs;
3. Comply with the standards and procedures in effectively implementing STCW, as approved;
4. Cooperate in the conduct of inspection, monitoring and surveillance by authorized personnel from STCW Office, or when delegated, the MARINA Regional Office;
5. Conduct capacity-building activities for guidance to instructors, assessors and other required personnel to ensure their capability and fitness to properly perform their tasks;
6. Not participate in any spurious activity affecting the integrity and quality of education, training, examination, and assessment; and
7. Report any possible, probable or actual non-compliance to the STCW Office, for proper guidance.

Section 7.3 Examination and Assessment

The examination and assessment of competence of seafarers shall always be conducted in compliance with STCW, and shall not cause redundancy or inefficiency in the process.

7.3.1 Examination and Assessment Institutions

Any Examination or Assessment Institution, with the delegated task to conduct any examination or assessment of competence, through their Heads, Directors or any person who holds a comparable role, responsible for the implementation and oversight within the Examination or Assessment Institution, shall:

1. Adopt and implement a policy in accordance with this IRR and submit the same to the STCW Office and MARINA Regional Office;
2. Post in conspicuous locations, the MARINA contact details for reporting non-compliant and prohibited acts;
3. Comply with the standards and procedures in effectively implementing STCW, as approved;
4. Provide appropriate installation of real-time audio and video monitoring technology that can be accessed remotely by the Administration, at any given time;
5. Cooperate in the conduct of inspection, monitoring and surveillance by authorized personnel from STCW Office, or when delegated, the MARINA Regional Office or any other authorized office or agency;

6. Conduct capacity-building activities for guidance to examiners, assessors and other required personnel to ensure their capability and fitness to properly perform their tasks; and
7. Report any possible, probable or actual non-compliance to the STCW Office, for proper guidance.

Section 7.3.2 Methods of Demonstrating Competence

1. All examination and assessment institutions shall conduct such task in compliance with the "Methods of Demonstrating Competence" pertaining to the specific competence in the appropriate Table of Competence, Column 3, under the STCW Code, as approved by the Administration;
2. Any approved method of demonstrating competence shall comply with the "Criteria for Evaluating Competence" in Column 4 of the appropriate Table under the STCW Code, as approved by the Administration.

Section 7.3.3 Record of Examination or Assessment

1. Any record of examination or assessment shall be signed by the Examiner or Assessor approved by the Administration, and verified by the Head, Director or any person who holds a comparable role in that MTI for its authenticity and correctness, and transmitted electronically to the STCW Office within twenty-four (24) hours from completion;
2. Failure to properly record and transmit the result of any examination or assessment within the given period shall be grounds for sanction by the Administration.

Section 7.4 Instructors, Assessors and other Required MHEI/MTI Personnel

All maritime training instructors, assessors and other required MHEI or MTI personnel shall participate and cooperate in all compliance, prevention, intervention and other measures related to METP or ATP implemented by the MHEI or MTI, respectively. In this regard, they shall:

1. Report to MARINA STCW Office any incident of non-compliance or prohibited acts in conducting the ATP in the MTI concerned;
2. Report to MARINA STCW Office and CHED any incident of non-compliance or prohibited acts in conducting the METP in the MHEI concerned;
3. Properly conduct the METP, ATP, examination or assessment, as approved by the MARINA or CHED;
4. Not participate in any spurious activity affecting the integrity and quality of education, training, examination, assessment, and course certification.

5. Perform their duties and responsibilities pursuant to this IRR and its related rules as issued by the Administration.

Section 7.5 Learners

The learners shall:

1. Report to MARINA any incident of non-compliance or prohibited act in conducting the ATP, examination or assessment in the concerned institution;
2. Report to MARINA and CHED any incident of non-compliance or prohibited acts in conducting the METP in the MHEI concerned;
3. Not present or possess any spurious documentary evidence in support of their application for admission into any learning program;
4. Not initiate non-compliance by using fixers and other unauthorized personnel, or by persuading MTIs, instructors, assessors or other required personnel in the commission of such acts; and
5. Not participate in any spurious activity affecting the integrity and quality of education, training, examination, assessment, certification, or any other documentary evidence.

RULE IV

COMPLIANCE AND ENFORCEMENT PROCEDURES

Section 8. Compliance Mechanisms

Section 8.1 Procedures to Address Compliance

All public and private MHEIs, MTIs, and DOH-MARINA accredited medical clinics for seafarers shall be subject to compliance programs to be implemented by MARINA, thru the STCW Office, CHED, NTC, and DOH as appropriate. These programs shall be applicable to all MHEIs and MTIs regardless of status. Said programs shall also be comprehensive, simplified and concise. The programs may contain among others, such initiatives centered on:

1. Publication of a list of compliant, non-compliant, suspended and phased-out METP, ATP, and institutions, in appropriate media;
2. Periodic assessment, monitoring and surveillance of the nature and extent of compliance status of concerned institutions;
3. Continual evaluation, review and enhancement of their policies in relation to STCW;
4. Conduct of activities for instructors, assessors, and other required personnel on how to be responsible implementers of STCW, as prescribed by MARINA, CHED, and NTC; and

5. Continuing personnel development and public information programs to shipping companies to sustain compliance programs.

Section 8.2 Non-Compliant Acts

For the purposes of this IRR, the following shall be considered non-compliant acts:

1. Committed by MHEIs or MTIs:
 1. Conducting or implementing a METP or ATP not in accordance with the approval/accreditation, or any subsequent amendment to such approval/accreditation, granted by the MARINA or its authorized office or agency;
 2. Conducting a METP or ATP where essential equipment, such as laboratory equipment, simulators, or similar items, are insufficient, unavailable or non-operational, at any given time, as prescribed by MARINA, based on STCW;
 3. Conducting a METP or ATP where prescribed instructors, assessors or other staff requirements, are insufficient, unavailable or not competent, at any given time, as prescribed by MARINA;
 4. Failure to submit reports or other mandatory documentation within the prescribed period, as required by MARINA or its authorized office or agency, as appropriate;
 5. Failure to report insufficiency, unavailability or inoperability of essential equipment, as described in Par. (b) of this Section;
 6. Failure to report insufficiency, unavailability or lack of competence of instructors, assessors or other required staff, as described in Par. (c) of this Section; and
 7. Other acts as may be identified by the MARINA.
2. By employers:
 1. Assigning to any of their ships a seafarer who does not hold an appropriate certificate or with expired certificates, and other relevant documentary evidence in accordance with the provisions of the Convention and as established by the Administration;
 2. Failure to verify the validity and authenticity of any certificate or documentary evidence;
3. By seafarers
 1. Presenting or possessing spurious documentary evidence in relation to STCW compliance;

2. Engaging the services of unauthorized individuals or fixers for the purpose of securing any certificate or documentary evidence;
3. Performing services on-board with expired certificates, and other relevant documentary evidences.
4. By other entities
 1. Producing spurious seafarer's certificate or documentary evidence;
 2. Soliciting unauthorized services or "fixing" certificates or documentary evidence;
 3. Charging seafarers fees to produce any certificate or documentary evidence beyond that which may be allowed by the Administration;

Section 8.3 Prohibited Acts

Prohibited acts are deemed included among non-compliant acts. The following, though inexhaustive, are prohibited acts committed by any person or institution:

1. Implementing or conducting a METP or ATP that has similar title and/or content as any of the approved METP or ATP by MARINA or its authorized office or agency, tending to the deceive the learner or the public that such programs are approved and compliant with STCW, whether intentional or not;
2. Including the names of non-attending learners in enrollment reports and attendance sheets of ATP, ROE or ROA;
3. Issuing documentary evidence described under Sec. 2 (d) of R.A. 10635 of any of the approved METPs or ATPs, where the learner did not comply with the attendance, participation or satisfactory completion requirements, as prescribed by MARINA or its authorized office or agency, as appropriate;
4. Issuing documentary evidence of any of the approved METPs or MTIs purporting to be in compliance with STCW requirements, without authority, approval or accreditation from the Administration;
5. Authenticating or issuing spurious certificates or documentary evidence;
6. Issuing certified true copies of certificates issued by the Administration;
7. Authenticating any of the seafarer's documents by any person or entity, other than by the issuing person or entity;
8. Continuing to offer a phased-out or suspended METP or ATP;

9. Other acts in gross violation of the standards as may be identified by MARINA, or as required by STCW;

Section 8.4. Procedures in Handling Non-compliance in MHEIs and MTIs

8.4.1 Jurisdiction

1. Complaints on non-compliance, prohibited acts and other acts in violation of this IRR on ATPs conducted by MTIs shall be within the exclusive jurisdiction of MARINA, through the STCW Office, and shall not be brought for resolution or settlement before the LGUs, MARINA Regional Offices, or other administrative or quasi-judicial body or office; and
2. Complaints on non-compliance, prohibited acts and other acts in violation of this IRR on METPs conducted by MHEIs shall be within the concurrent jurisdiction of MARINA and CHED, through the Technical Panel on Maritime Education, and shall not be brought for resolution or settlement before the LGUs, MARINA Regional Offices, or other administrative or quasi-judicial body or office.

8.4.2 Procedures in Handling Non-Compliant or Prohibited Acts

1. MARINA shall continue to develop procedures to handle any acts of non-compliance or prohibited acts by MTIs.
2. MARINA and CHED shall jointly continue to develop procedures to handle any acts of non-compliance or prohibited acts by MHEIs.

8.4.3 Disciplinary Measures

To implement effectively and efficiently the requirements of STCW, the following disciplinary measures shall be imposed:

1. MHEIs
 1. For ordinary non-compliant acts:
 1. First offense in one school year: a fine of P5,000 for every count of non-compliance committed on the same day or occasion and a written warning on the possible phasing out of the METP;
 2. Second offense in the same school year: a fine of P10,000 for every count of non-compliance on the same day or occasion and a final written warning on the possible phasing out of the METP;
 3. Third offense in the same school year: a fine of P20,000 for every count of non-compliance and mandatory phasing out/closure of the METP upon completion of the on-going semester or term; and

4. These amounts may be adjusted as reasonable after one year from the date of effectivity of this IRR, as determined by MARINA.
2. For prohibited acts:
 1. Single offense in one school year: a fine of P100,000 and a final written warning on the possible phasing out of the METP;
 2. Multiple offenses in the same school year, whether on the same occasion or not, a fine of P200,000 for every offense and mandatory phasing out/closure of the METP upon completion of the on-going semester or term; and
 3. These amounts may be adjusted as reasonable after one year from the date of effectivity of this IRR, as determined by MARINA.
 3. Committing non-compliant and/or prohibited acts attaches with it the publication of such offenses, and shall remain posted for a period of at least 6 months after serving the punitive measure;
 4. The non-compliant acts and prohibited acts shall be penalized separately.
2. MTIs
 1. For ordinary non-compliant acts:
 1. First offense in a twelve-month period: a fine of P50,000 for every count of non-compliance committed on the same day or occasion, and a four-week preventive suspension of the particular ATP, counted from the last day the ATP was conducted, to be imposed within 30 days from the finality of the decision of MARINA;
 2. Second offense in a twelve-month period: a fine of P100,000 for every count of non-compliance on the same day or occasion and an eight-week preventive suspension of the particular ATP, counted from the last day the ATP was conducted, to be imposed within 30 days from the finality of the decision of MARINA; and
 3. Third offense in a twelve-month period: a fine of P200,000 and a preventive suspension of all the ATPs of the MTI, with a duration of six months, counted from the last day the ATP was conducted, to be imposed within 30 days from the finality of the decision of MARINA;
 2. For prohibited acts:

1. First offense in a twelve-month period: a fine of P100,000 for every count of prohibited act, an immediate preventive suspension, and a six-week suspension (minus the period served in preventive suspension) of all the ATPs of the MTI;
2. Second offense in a twelve-month period, a fine of P200,000 for every count of prohibited act, an immediate preventive suspension, and a six-month suspension (minus the period served in preventive suspension) of all the ATPs of the MTI;
3. Third offense in a twenty-four-month period: perpetual prohibition from conducting any ATP.
3. Committing a second non-compliant act within a six-month period or committing a prohibited act bars the application for accreditation of any new ATP within 3 months from the final decision on the last offense. In addition, any pending application for a new ATP or re-accreditation of existing ATP shall not be given due course;
4. The non-compliant acts and prohibited acts shall be penalized separately.

3. Instructors, Assessors and Other Required Personnel

Instructors, assessors and other required personnel to conduct a METP or ATP are mandated to report any non-compliant or prohibited act by the MHEI or MTI. Failure to do so shall have the corresponding liabilities:

1. Suspension of accreditation/approval as instructor / assessor or as otherwise required to carry out the METP or ATP for a period of 10 weeks; and
2. Fine of P5,000 for first offense, P10,000 for second offense, and P15,000 for third offense onwards.

8.4.4 Administrative Remedies

Committing a non-compliant or prohibited act is an outright violation of this IRR. Hence, even immediate corrective actions pertaining to these violations do not expunge the fact that a violation has been committed, and such shall still be reported and recorded immediately, and that:

1. MARINA, CHED and NTC personnel tasked to monitor and enforce STCW in the conduct of METP and ATP, are duty-bound to report all their findings, including those that have been corrected/rectified outright;
2. All MHEIs and MTIs are entitled to receive a summary of the adverse findings immediately upon completion of the inspection;
3. Any appeal to the adverse findings shall be directed to MARINA, through the STCW Executive Director. Such appeal must be supported by affi-

davit(s) bearing a statement of facts and evidence that rebuts the adverse findings;

4. Failure to appeal within ten (10) working days from the issuance of the summary of adverse findings is deemed an admission of the findings for the purpose of this rule.
5. Thereafter, the STCW Executive Director shall issue a decision, resolution or notice, as necessary.

8.4.5 Appeal on the Decision of the STCW Executive Director

1. **Appeal; Period of Appeal; Grounds.** Any decision or resolution of the STCW Executive Director shall become final and executory unless appealed to the MARINA Administrator by any party within ten (10) days from receipt of such decisions.

The appeal may be entertained only on any of the following grounds:

- .1 If there is prima facie evidence of abuse of discretion on the part of the STCW Executive Director;
- .2 If the decision was secured through fraud or coercion, including graft and corruption;
- .3 If the decision was based on errors of law, or on misapplication of the policies, rules and regulations of the MARINA; and
- .4 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.

2. **Where to File; Transmittal of Records; Comment.** The appeal in six (6) legible copies with proof of service to the appellee, shall be filed to the Office of the STCW Executive Director who shall, within forty-eight (48) hours from receipt, transmit the entire records of the case, to the Office of the Administrator.

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

3. **Period to Resolve Appeal; Form of Decision.** The MARINA Administrator shall resolve the appeal from the decision of the STCW Executive Director within a period of thirty (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.

4. **Finality of Judgment; Motion for Consideration.** The decision or resolution of the Administrator is 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 ten (10) days from receipt of the decision or resolution, with proof of service that the same has been furnished to the adverse party

8.4.6 Motion for Reconsideration of the Decision of the Administrator.

1. **Motion for Reconsideration.** Except for the decision on the ruling of the STCW Executive Director, which has become final and executory, only one (1) motion for reconsideration on the decision of the Administrator shall be allowed in matters affecting MHEI/MTI.

Within ten (10) days from the receipt of Order or Decision of the Administrator, the concerned party (MHEI/MTI) may file a Motion for Consideration to the Marina Administrator.

2. **Period to Resolve the Motion for Reconsideration.** The Administrator shall resolve the Motion for Reconsideration within a period of fifteen (15) calendar days from receipt thereof.

8.4.7 Closure/Phase-out of METP of MHEI and ATP of MTI

1. Closure of a METP or ATP

The closure of a METP or ATP may either be voluntary or involuntary. In any case, the closure may be outright or done through phase-out process. The MHEI or MTI shall remain obligated to furnish the necessary transfer credentials and records affected by the closure or phase-out process.

- .1 **Voluntary closure of METP through phase-out process** happens when the MHEI, for valid cause, on its own initiative, chooses to close any of its programs offered through phase-out process, provided that:
 - .1 no freshman student shall be admitted for enrollment beginning the school term when the closure shall take effect;
 - .2 students who are already in the second, third and fourth year levels of the program shall be allowed to finish their study until graduation or to transfer to other MHEI, at the option of the students and;
 - .3 both MARINA and CHED shall be duly informed before the closure takes effect.
- .2 **Voluntary but outright closure of METP or ATP** happens when the MHEI or MTI, for valid cause, on its own initiative, chooses the out-

right closure of any of its degree programs offered or ATP, provided that:

- .1 the MHEI or MTI shall assist and facilitate the immediate transfer of the students affected by the closure, and
- .2 both MARINA and CHED shall be duly informed before the closure takes effect.
- .3 **Involuntary closure of METP or ATP** is effected when the MARINA/CHED, for just cause upon determining sufficient grounds and after due process, orders the phase-out or outright closure of a METP or ATP by revoking the permit or certificate of recognition previously issued.

In any case, the termination or closure of a METP shall be effected at the end of an academic year.

2. Closure of MHEI or MTI

- .1 **Voluntary closure of MHEI through phase-out process** happens when the MHEI, for valid cause, on its own initiative, chooses to terminate its existence as an educational institution through gradual phase-out of all its degree programs offered, provided that the conditions set forth for phase-out process in the immediately preceding section shall apply.
- .2 **Voluntary but outright closure of MHEI or MTI** happens when the MHEI or MTI, for valid cause, on its own initiative, chooses to terminate its existence as an educational institution by outright closure of all its degree programs offered, provided that the conditions set forth for outright closure in the immediately preceding section shall apply.
- .3 **Involuntary closure of MHEI or MTI** is effected when the MARINA/CHED, for just cause upon determining sufficient grounds and after due process, orders the outright closure of a MHEI or MTI by revoking all the permits or certificates of recognition previously issued.

In any case, the termination or closure of a METP shall be effected at the end of an academic year.

8.4.8 Actions for Revocation of Permit/Authority/Certificate to Operate

Any action for closure or termination of a maritime program must be in accordance with existing policies and rules of the MARINA/CHED, this IRR and other applicable laws. Upon receipt of a verified complaint or petition for revocation, the MARINA/CHED may, when public welfare demands, *motu proprio*, order a MHEI/MTI to cease and desist from operating maritime program(s) pending the outcome of the complaint.

The MARINA/CHED shall inform the MHEI/MTI in writing of the substantial deficiencies or grounds leading to revocation of permit or certificate of

recognition, and shall require the institution to explain in writing, or remedy the deficiencies or violations within a reasonable period set by MARINA/CHED. Thereafter, the resolution or order of revocation or permit or certificate shall be issued if the explanation is found unsatisfactory or for failure to correct the deficiencies.

Any resolution or order for revocation of permit or certificate shall be approved accordingly.

The authority or certificate to operate may also be revoked, or reverted to a lower level for a period of one academic year without prejudice to institution of actions and imposition of appropriate sanctions against the responsible MHEI/MTI officials, for any of the causes as follows:

1. Fraud or deceit committed by the institution in connection with the application to MARINA/CHED for authority to operate;
2. Unauthorized operation of a new institution or branch, or a new maritime program or course of study, or any major components thereof;
3. Mismanagement or gross inefficiency in the operation of the institution or its degree programs or courses of study;
4. Gross incompetence or lack of qualification of the academic personnel;
5. Violation of approved standards governing institution advertisements or announcements;
6. Violation of the constitutional prohibition on ownership and control of educational institutions, or the appointment of administrators who do not meet the qualification standards set by the commission;
7. Transfer of the institution to a site or location detrimental to the operation of its programs, or the transfer of which resulted to failure of the institution to maintain compliance with minimum requirements for the operation of its programs.

Within ten (10) days from the receipt of notice of revocation or reversion, the MHEI/MTI may file a request for consideration, indicating specifically the grounds thereof and its responses to the specific adverse findings that led to the revocation or reversion. Only one motion for reconsideration shall be allowed by MARINA.

8.4.9 Confidentiality

The findings of MARINA or CHED remain confidential until such time that a decision on the violation(s) has reached finality. Final decisions shall be officially published by MARINA in the appropriate media, pursuant to Sec. 16, Chapter 3, Book VII of the Revised Administrative Code of 1987, and future amendments thereto.

**RULE V
MISCELLANEOUS PROVISIONS**

Section 9. Applicability of Other Laws

1. All the rules, regulations or circulars issued by MARINA, CHED, NTC and DOH for the purpose of STCW compliance shall remain in full force and effect, subject to amendment or revision by this IRR and subsequent STCW Circulars which may be issued by MARINA from time to time.
2. All the rules, regulations or circulars issued by PRC for the purpose of STCW compliance shall remain in full force and effect until December 31, 2014 only, and is subject to amendment or revision by this IRR and subsequent STCW Circulars which may be issued by MARINA from time to time.
3. All the rules, regulations or circulars issued by TESDA for the purpose of STCW compliance shall remain in full force and effect until September 30, 2014 only, subject to amendment or revision by this IRR and subsequent STCW Circulars which may be issued by MARINA from time to time.

Section 10. Transparency and Accountability

Section 10.1 Avoidance of Conflict of Interest in Examination or Assessment of Competence

1. For purposes of this policy, the following circumstances shall be deemed to create conflict of interest in the assessment of competence of seafarers when the Examiner/Assessor and Examinee/Assessee:
 1. Have any pecuniary interest with the other, or
 2. Had a previous working relationship, or
 3. Are relatives within the fourth degree of consanguinity or affinity, or
 4. Any similar situation that may result in a subjective assessment.
2. To avoid conflict of interest in conducting assessment of competence in relation to Regulation I/5 of STCW, the following shall be observed:
 1. When such a situation presents itself, the examiner or assessor must announce his or her potential conflict, inhibit himself or herself, and be excused from the examination or assessment until it is completed;
 2. On a case-to-case basis, the Administrator may determine if such conflict exists and the examiner or assessor has not made it known;
 3. In any case where conflict of interest in examination or assessment is deemed to exist, assessment shall be conducted by another qualified individual, or in another examination or assessment facility;
 4. All examiners/assessors shall abide with the Republic Act 6713 "Code of Conduct and Ethical Standards for Public Officials and Employees"

Section 10.2 Independence of Evaluators

1. For the purpose of this policy, the circumstances that shall be deemed to create lack of independence of Evaluators of the Administration in determining compliance of MHEI or MTI, are as follows:
 1. When the Evaluator and the owner, key official, manager, supervisor of the entity:
 1. Have any pecuniary interest with the other, or
 2. Had a previous working relationship, or
 3. Are relatives within the fourth degree of consanguinity or affinity, or
 2. When the Evaluator is also an approved or applicant instructor, supervisor or assessor with an entity seeking accreditation as MHEI or MTI;
 3. Any other circumstance which may result in a subjective evaluation.
2. To ensure independence of Evaluator in conducting inspections or audits of MHEIs, MTIs or any other entity which may issue relevant documentary evidence, in relation to Regulation I/5 of STCW, the following shall be observed:
 1. When such a situation presents itself, the Evaluator must announce his or her potential conflict, inhibit himself or herself, and be excused from the evaluation, inspection or audit until it is completed;
 2. On a case-to-case basis, the Administrator may determine if such lack of independence exists and the Evaluator has not made it known;
 3. In any case where lack of independence is deemed to exist, assessment shall be conducted by another qualified individual, or in another examination or assessment facility;
 4. All evaluators shall abide with the Republic Act 6713 "Code of Conduct and Ethical Standards for Public Officials and Employees"

Section 10.3 Publication of Examination Questionnaires and Other Information

MARINA shall establish a databank of examination questionnaires for the purpose of complying with STCW standards of competence.

Every January, the Administration shall publish the examination questions and other related information that applies until December 31 of the previous year.

Section 11. Freedom of Association

The constitutional right to join or not to join any association or organization shall always be protected and respected. As such:

1. The Administration encourages maritime professionals to establish their associations for the purpose of advancing their respective professions;
2. However, seafarers shall not be compelled to join any association or organization for the purpose of issuance of any certificate, license, or any documentary evidence;
3. In addition, the Administration shall give no special or favorable treatment to any association or organization for the purpose of STCW implementation.

Section 12. Separability Clause

Any part or provision of this IRR which may be held invalid or unconstitutional shall not affect the validity and effectivity of the other provisions.

Section 13. Repealing Clause

All prior MARINA, CHED, PRC, TESDA, NTC or DOH Orders or other issuances, or provisions thereof, inconsistent with this IRR are hereby repealed, revised or modified accordingly.

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.

Section 14. Transitory Provisions

Section 14.1 STCW Functions of the Professional Regulation Commission (PRC)

1. All the functions of the PRC and the current Board of Marine Deck Officers and Board of Marine Engineer Officers relating to the issuance of COCs for the deck officers and engineer officers shall continue until December 31, 2014 or until such time that an appropriate mechanism has been instituted by MARINA, whichever comes later;
2. In this regard, all applications for license and COCs shall be directed to MARINA STCW Office beginning November 15, 2014. In the event that MARINA issues a notice providing for a different date relating thereto, then such date shall be followed.
3. To ensure smooth transition and operational efficiency, organic MARINA staff members shall be sent to PRC as understudies until 31 December 2014, or until all STCW functions of PRC are completely transferred to MARINA, whichever comes later.

Section 14.2 STCW Functions of CHED

All the current functions of the CHED relating to the overall control, supervision and monitoring of MHEIs covered in the law shall continue until December 31, 2014.

In addition, CHED shall continue to:

1. Organize the Technical Panel on Maritime Education (TPME) whose task includes, among others: formulate, review and recommend to the CHED *en banc* all policies, standards, and guidelines for maritime education, including curricula, facilities and guidelines;
2. In coordination with STCW Office, organize the Monitoring, Evaluation and Review Committee (MERC) for METPs by MHEIs;
3. In coordination with MARINA, monitor compliance with the policies, standards, and guidelines of maritime education in the conduct of METPs by MHEIs;
4. 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;
5. Under the direction of the MARINA, exercise oversight functions for the Enhanced Support Level Program in Marine Deck and Marine Engineering for optional implementation by MHEIs whose METP is under phase-out program until such time that an appropriate mechanism has been instituted by MARINA or until December 31, 2014, whichever comes later;

Section 14.3 STCW Functions of TESDA

1. All the concurrent functions of TESDA relating to the supervision and monitoring of ATPs for Ratings shall continue until September 30, 2014.
2. TESDA shall no longer approve any STCW-related training programs for ratings upon the effectivity of this IRR, as such function shall immediately be vested in MARINA.

Section 14.4 STCW Functions of NTC

1. All current functions of the NTC, in coordination with MARINA, relating to the control, supervision and monitoring of MTIs and maritime assessment centers conducting training and practical assessment under Chapter IV of STCW shall continue;
2. All current functions of the NTC relating to the control, supervision and monitoring of the conduct of examination under Chapter IV of STCW shall continue, in coordination with MARINA;
3. Seafarers shall continue to file their applications for examination under Chapter IV of STCW, with NTC;

4. In this regard, all applications for COCs shall continue to be with NTC until December 31, 2014. Thereafter, all applications for COCs shall be directed to and processed by MARINA STCW Office beginning January 01, 2015;
5. To ensure smooth transition and operational efficiency, organic MARINA staff members shall be sent to NTC as understudies until 31 December 2014.

Section 14.5 STCW Functions of DOH

All current functions of the DOH, in coordination with MARINA, relating to the control, supervision and monitoring of medical facilities and approved medical practitioners shall continue.

Section 15. Effectivity

This IRR shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation and upon filing of three (3) certified copies thereof with the Law Center, University of the Philippines, Diliman, Quezon City.

Manila, Philippines, 24 July 2014.



MAXIMO Q MEJIA JR PHD
Administrator

SECRETARY'S CERTIFICATE

This is to certify that the Implementing Rules and Regulations of Republic Act No. 10635 was approved during the Board Meeting of the Maritime Industry Board held on 24 July 2014.



ATTY. VIRGILIO B. CALAG
Corporate Board Secretary