



Republic of the Philippines
Professional Regulation Commission
Manila

MEMORANDUM CIRCULAR NO. 13- 09
January 3, 2013

TO : MARINE DECK OFFICERS AND MARINE ENGINEER
OFFICERS
ALL CONCERNED

SUBJECT : RECOGNITION OF CERTIFICATES PURSUANT TO
REGULATION I/10 OF THE STCW CONVENTION, AS
AMENDED

I. AUTHORITY

Section 28, Article VI of Republic Act No. 8544, otherwise known as the "PHILIPPINE MERCHANT MARINE OFFICERS ACT OF 1998", as implemented by Sections 40 and 41, Article VIII, Resolution Nos. 55-A and 48-A, series of 2012, of the Board of Marine Deck and Marine Engineer Officers (Boards), respectively.

II. OBJECTIVE

To comply with the standard/requirements of Regulation I/10 of the 1978 STCW Convention, as amended, and to ensure that the requirements of Regulation I/10 of the 1978 STCW Convention, as amended, and Republic Act No. 8544 are met when recognizing by endorsement in accordance with Regulation I/2 of the STCW Convention the Certificates issued by or under the authority of another Party.

III. COVERAGE

This memorandum circular shall apply to STCW Certificates issued by or under the authority of a Party to the Convention to which the Philippines has entered into a bilateral agreement in accordance with the standard of the June 2010 Manila Amendments to the STCW Convention.

IV. DEFINITION OF TERMS. - Unless otherwise provided, the following shall mean:

1. COMMISSION – the Professional Regulation Commission (PRC) created under Republic Act No. 8981, otherwise known as the "PRC Modernization Act of 2000".

2. BOARD- the Professional Regulatory Board of Marine Deck Officers or Marine Engineer Officers.
3. STCW CONVENTION – the International Convention on Standard of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended.
4. STCW CODE – the Seafarer's Training, Certification and Watchkeeping (STCW) Code as adopted by the 1995 Conference Resolution 2.
5. DECK OFFICER – a duly registered and licensed Master Mariner, Chief Mate, Officer-in-Charge of a Navigational Watch and Major Patron.
6. MASTER – a duly registered and licensed marine deck officer having command of a ship.
7. MASTER MARINER – a duly registered and licensed marine deck officer with the highest level of license attainable and whose qualification is required to serve as the person in charge or person in command of a merchant marine ship.
8. CHIEF MATE - a duly registered and licensed marine deck officer next-in- rank to the Master who exercises supervision of the deck personnel of the ship; the loading and unloading of cargo; the maintenance and upkeep of the ship; perform such other function as the Master may assign to him from time to time; and upon whom the command of the ship shall devolve/transfer, in the absence of, or in the event of incapacity of the Master.
9. OFFICER-IN-CHARGE OF A NAVIGATIONAL WATCH - a duly registered and licensed marine deck officer next-in- rank to the Chief Mate designated as in charge of a navigational watch who performs such other duties and functions as the Master may direct.
10. MAJOR PATRON - a duly registered and licensed marine deck officer who acts as Master of a ship engaged on near coastal voyages.
11. ENGINEER OFFICER- a duly registered and licensed Chief Engineer Officer, Second Engineer Officer and Officer-in-Charge of an Engineering Watch in a manned engine-room or designated duty engineer in a periodically unmanned engine-room.
12. CHIEF ENGINEER OFFICER – a duly registered and licensed Engineer Officer who have over-all in-charge of the mechanical propulsion and the operation and maintenance of the electrical installations in the ship.

per B. Aguirre

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13. **SECOND ENGINEER OFFICER** – a duly registered and licensed marine engineer officer next-in-rank to the Chief Engineer Officer who exercises supervision over all the machineries and auxiliaries as well as the engine personnel of the ship, and upon whom shall devolve the responsibilities of the Chief Engineer Officer, in the absence of, or in the event of incapacity of the Chief Engineer Officer.
14. **OFFICER-IN-CHARGE OF AN ENGINEERING WATCH**- a duly registered and licensed marine engineer officer next-in-rank to a Second Engineer Officer designated in a manned engine-room or designated duty engineer in a periodically unmanned engine-room who is responsible for the proper operation and maintenance of the machineries and equipment assigned to him by the Chief Engineer Officer including the inspection, maintenance of the electrical installations in the ship.
15. **ELECTRO-TECHNICAL OFFICER** – a marine engineer officer qualified in accordance with the provisions of Regulation III/6 of the Convention.
16. **MANAGEMENT LEVEL** – the level of responsibility associated with serving as Master or Chief Mate/Chief Engineer Officer or Second Engineer Officer on board a seagoing ship and ensuring that all functions within the designated area of responsibility are properly performed.
17. **OPERATIONAL LEVEL** - the level of responsibility associated with serving as officer-in-charge of a navigational or engineering watch, and maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction and supervision of a marine deck/engineer officer serving in management level for that area of responsibility.
18. **CERTIFICATE OF REGISTRATION** - a document issued to a marine deck/engineer officer after passing the required licensure examination and upon compliance with all the requirements prescribed by the Board and the Commission.
19. **CERTIFICATE OF COMPETENCY** - a Certificate issued and endorsed for deck officers/engineer officers, officers and GMDSS radio operators in accordance with the provisions of chapters II, III, IV or VII of the annex to the STCW Convention and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein.

20. ENDORSEMENT CERTIFICATE – a document issued by the Commission attesting the issue of a Certificate of Competency to a marine deck/engineer officer or the recognition of a Certificate issued by other flag states in compliance with the standard of the STCW Convention.
21. STCW CERTIFICATE - a Certificate issued in accordance with all applicable requirements of the STCW Convention and Code.
22. APPROVED - approved by the Party to the STCW Convention in compliance with all relevant requirements of the Regulations, the annex to the Convention, and mandatory provisions contained in Part A of the STCW Code.
23. APPROVED EDUCATION AND TRAINING – a structured education and training program duly approved by the Commission on Higher Education to enable a candidate to meet the standard of competence of the STCW Code for certification in both the operational and management levels.
24. APPROVED SEAGOING SERVICE - service on board a ship relevant to the issue or revalidation of a Certificate or other qualifications.
25. APPROVED TRAINING COURSE - a training course in compliance with the requirements and standard of the 1978 STCW Convention, as amended, and accredited by the Maritime Training Council.
26. MANAGEMENT LEVEL COURSE - the approved education and training required under paragraph 2, Regulation II/2-III/2 of the 1978 STCW Convention, as amended, for candidates for certification as a management level officer and meet the standard of competence specified in section A-II/2-AIII/2 of the STCW Code.
27. APPROVED TRAINING RECORD BOOK - an official record book of structured training activities on board a ship which forms part of an approved training program of a candidate for certification as officer-in-charge of a navigational/engineering watch under close supervision and monitoring of a qualified officer.
28. SEAGOING SHIP – a ship other than those which navigates exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply.
29. LICENSURE EXAMINATION FOR MARINE DECK/ENGINEER OFFICERS- the licensure examination given by the Board which is composed of the theoretical phase and the practical assessment phase.

30. FUNCTION – 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.
31. NEAR-COASTAL VOYAGE- a voyage in the vicinity of a Party as defined by that Party or an agreement between that Party and another State to consider or treat a voyage as coastwise voyage.
32. ADMINISTRATION – the Government of the Party in whose flag the ship is entitled to fly.
33. SUPERNUMERARY CAPACITY – a certificated marine deck/engineer officer with no specific responsibility other than to train and observe for a specific position pursuant to the STCW Convention.
34. REGULATIONS - Regulations contained in the Annex to the STCW Convention, as amended.
35. GMDSS RADIO OPERATOR - a marine deck officer who is qualified in accordance with the provisions of chapter IV of the STCW Convention, as amended.
36. OIL TANKER - a ship constructed and used for the carriage of petroleum and petroleum products in bulk.
37. CHEMICAL TANKER - a ship constructed and used for the carriage in bulk of any liquid product listed in chapter 17 of the International Bulk Chemical Code.
38. LIQUEFIED GAS TANKER - a ship constructed and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the International Gas Carrier Code.
39. PASSENGER SHIP - a ship as defined in the International Convention for the Safety of Life at Sea, 1974, as amended.
40. RO-RO PASSENGER SHIP - a passenger ship with ro-ro spaces or special category spaces as defined in the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended.
41. CERTIFICATE OF PROFICIENCY - a Certificate, other than a Certificate of competency issued to a marine deck/engineer officer, stating that the relevant requirements of training, competence or seagoing service of the STCW Convention, as amended, have been met.

42. PERSON WITH IMMEDIATE RESPONSIBILITY – as used in regulation V/1-1, paragraphs 3 and 5 and regulation V/1-2, paragraph 3, means a marine deck/engineer officer being in a decision making capacity with respect to loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo related operations.
43. PHILIPPINE REGISTERED SHIPS – merchant marine ships registered under Philippine laws.
44. FOREIGN MARINE OFFICER – A certificated Marine Officer of other Flag Administrations who are Parties to the STCW Convention which complied with the STCW Convention, as amended.
45. PHILIPPINE MARITIME LAWS- Laws enacted by Congress of the Republic of the Philippines pertaining to maritime relative functions and activities.

V. POLICIES

1. A Certificate of competency, or proficiency issued to a marine deck or engineer officer pursuant to Regulations V/1-1 and V/1-2, shall be endorsed to attest its recognition only after ensuring the authenticity and validity of the Certificate. The Endorsement shall only be issued if all requirements of the STCW Convention have been complied with. The form of the Endorsement used shall be that set forth in paragraph 3 of section A-I/2 of the STCW Code.

2. The Commission and the Administration shall ensure that the provisions of Regulation I/10 are complied with, in order to recognize, by Endorsement in accordance with Regulation I/2, paragraph 7, a Certificate issued by or under the authority of another Party to a marine deck officer, and that:

1. The Commission and the Administration have confirmed, through an evaluation, which may include inspection of facilities and procedures, that the requirements of the Convention regarding standards of competence, training and certification and quality standards are fully complied with; and
2. An undertaking has been entered into between the Administration and the other Party and agreed that prompt notification will be given to any significant change in the arrangements for training and certification in compliance with the STCW Convention.

3. Measures shall be established to ensure that a marine deck or marine engineer officer who present, for recognition, a Certificate issued under the provisions of Regulations II/2, II/1 or II/3, or issued under Regulation VII/1 at the management level, as defined in the STCW Code, has an appropriate

knowledge of the maritime legislation of the Administration relevant to the function/s he is permitted to perform.

4. Information provided and measures agreed upon under Regulation I/10 shall be communicated to the Secretary-General in conformity with the requirements of Regulation I/7.

5. A Certificate issued by or under the authority of a non-Party shall not be recognized.

6. Notwithstanding the requirement of Regulation I/2, paragraph 7, the Administration may, if circumstances require, subject to the provisions of paragraph 1, allow a marine deck or marine engineer officer to serve for a period not exceeding three months on board a ship entitled to fly its flag, while holding an appropriate and valid Certificate issued and endorsed as required by another Party for use on board that Party's ships but which has not yet been endorsed so as to render it appropriate for service on board ships entitled to fly the flag of the Administration. Documentary proof shall be readily available that application for an Endorsement has been submitted.

7. Certificates and Endorsements issued by the Commission under the provisions of Regulation I/10 in recognition of, or attesting the recognition of, a Certificate issued by another Party shall not be used as the basis for further recognition by another Administration.

1. In establishing or reviewing arrangements for the recognition of STCW Certificates under Regulation I/10, a written undertaking should be concluded between the Philippines which is to recognize the Foreign STCW Certificates and the Party which is issuing the STCW Certificates to be recognized. The following issues shall be considered by Parties:

1. Identification of the Administration and the certificate-issuing Party.
2. Position, address and access information for the official in the Administration and for the official in the certificate-issuing Party who are designated to be directly responsible for implementing the undertaking.
3. Application of the undertaking.
4. Procedures to be followed by the Administration, subject to the consent of the certificate-issuing Party, when requesting an opportunity to visit the facilities, observe the procedures, or review the policies which have been approved or employed by the certificate-issuing Party for meeting the requirements of the STCW Convention regarding clarification of transitional provisions relating to the 2010 Manila Amendments to the Convention and Code set out in the STCW.7/Circ.16 should be taken into account, thus:

for B. Aguirre

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5. Access by the Administration to the:

1. results of quality standards evaluations conducted by the certificate-issuing Party in accordance with regulation I/8; and
2. reports of the steps taken by the certificate-issuing Party to implement any subsequent amendments to the Convention and STCW Code in accordance with section A-I/7 of the Code.

6. Procedures to be followed by the Administration when verifying the validity or contents of a certificate issued by the certificate-issuing Party, and to resolve questions which may arise.

7. Procedures to be followed by the Administration in notifying the certificate-issuing Party when it has withdrawn or revoked its endorsement of recognition for disciplinary or other reasons.

8. Procedures to be followed by the certificate-issuing Party in promptly notifying the Administration of any significant changes in the arrangements for training and certification provided in compliance with the Convention, and the criteria to be used in determining what changes are to be considered "significant" for this purpose. At a minimum, significant changes should be understood to include:

1. changes in the position, address or access information for the official responsible for implementing the undertaking;
2. changes affecting the procedures set forth in the undertaking; and
3. changes which amount to substantial differences from the information communicated to the Secretary-General pursuant to section A-I/7 of the Code.

9. termination clauses.

10. validity.

2. The undertaking should be signed by, or acknowledged and confirmed in writing by, an authorized official from the Administration and from the certificate-issuing Party.
3. This guidance is focused on bilateral arrangements but may also be reflected in a multilateral undertaking.
8. Endorsement Certificates issued to a Foreign or Non-Filipino marine officer shall be valid for five (5) years from date of issuance unless sooner withdrawn, suspended or revoked.
9. The Commission and the Boards may recognize Certificates issued by or under the authority of other Flag Administration provided that such Party is in the list of complying Parties to the Convention, or that the Philippines has confirmed, through necessary means, that the requirements concerning standard of competence, the issue and endorsement of certificates and records keeping are fully complied with by that Party.

VI. REGISTRY OF FOREIGN MERCHANT MARINE OFFICERS. –

The Board and the Commission, in addition to the electronic database/registry of Filipino Marine Officers, shall likewise maintain an electronic database/registry of Foreign Merchant Marine Officers who were issued an Endorsement Certificate pursuant to Regulation I/10 of the STCW Convention containing the complete name, Certificate number, date of birth, gender, citizenship/nationality, address, rank, name of company/employer and vessel, if applicable, and his signature.

The database shall also include Endorsements issued to Foreign Merchant Marine Officers whose Certificates have expired, or have been revalidated, suspended, revoked/cancelled or reported lost or destroyed and to make available information on the status of such Endorsements to the other Parties and companies which request verification of the authenticity and validity of Endorsements.

VII. QUALIFICATION REQUIREMENTS

The Foreign Merchant Marine Officer has been duly certificated and endorsed by his Administration which is a Party to the STCW Convention, and to which the Philippines has entered into a bilateral arrangement.

VIII. DOCUMENTARY REQUIREMENTS

1. Authenticated copy of National Certificate of Registration/License, STCW Certificate of Competency issued by or under the authority of

the Embassy/Consulate of the Administration of such particular Party. The original must be presented for comparison.

2. A commitment under oath by the Foreign Merchant Marine Officer that he shall abide by the laws of the Republic of the Philippines, including the maritime laws of the Philippines, and the Code of Ethics for Marine Officers.
3. Seafarer's Identification and Record Book (SIRB) - a photocopy of each of pages one and two, and other pages reflecting the seagoing service. In case of lost/damaged SIRB, any acceptable substitute documentary proof of seagoing service, as may be determined by the Board, and an affidavit of loss.
4. Certificates for Training courses under Regulations V & VI and/or Certificates of Training for courses other than Regulations V & VI, as may be required.
5. Two (2) passport size pictures in proper uniform and haircut.

IX. PROCEDURE

1. Application:

- 1.1 Applicant shall file his application personally at the STCW Division of the PRC Central office.
- 1.2 At the STCW Division, the applicant shall obtain from the Information Counter the Application for the issuance of STCW Endorsement Certificate under Regulation I/10 of the STCW Convention and fills up the same; or may download the Application form from the PRC website, prc.gov.ph.
- 1.3 The applicant shall submit his duly accomplished application form and other documentary requirements to the application counter.

2. Evaluation of Application and documentary requirements:

- 2.1 The application and documentary requirements shall be evaluated by the designated evaluator as to completeness of the submitted documentary requirements in accordance with the appropriate checklist of requirements, the authenticity of the documents and the status of applicant's certificate in the website of his flag state administration under Regulation I/2 of the STCW Convention. If the submitted documentary requirements are incomplete, the application shall be returned to the applicant. The application shall be forwarded to the Lawyer designated to handle maritime cases should any of the

submitted documentary requirements be found to be spurious or fraudulent.

2.2 The application shall be forwarded to the Board for assessment if the submitted documentary requirements are complete and in order.

3. Assessment of applicant's competence:

3.1 A Board Member/Qualified Assessor shall assess the qualification and competence of the applicant as having achieved the required standard of competence under Section A of the STCW Code through the submitted documentary requirements.

3.2 The Board Member/Qualified Assessor shall approve the application if the applicant is found duly qualified and has met the standard of competence to serve in the capacity specified in the application.

3.3 If the Board Member/Qualified Assessor disapproves the application, the applicant shall be informed of such disapproval and the documents submitted shall be returned to the applicant.

3.4 The applicant may file a letter of reconsideration of the denial/disapproval of his application with the Board within three (3) days from receipt of notice of the denial/disapproval. The Board within the same period of three (3) days shall render its final decision on the letter of reconsideration.

4. Issuance of STCW Endorsement Certificate under Regulation I/10 of the STCW Convention

4.1 The STCW Endorsement Certificate shall be issued if the Board finds the applicant to be qualified and competent under the 2010 Manila Amendments to the STCW Convention.

4.2 The STCW Endorsement Certificate, with all its relevant information shall be entered in the database and website of the Commission.

4.3 Limitation/s, if any, shall be stated in the Certificate.

4.4 The Foreign Marine Officer shall claim his STCW Endorsement Certificate on the date indicated in his claim stub.

for D. J. J.

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X. REPEALING CLAUSE

Any rule, circular or issuance, or parts thereof, which are inconsistent with any of the provision of this Memorandum Circular is hereby repealed or modified accordingly.

XI. SEPARABILITY CLAUSE

If any provision of this Memorandum Circular is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

XII. EFFECTIVITY


This Memorandum Circular shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of nationwide circulation, whichever is earlier.

Let a copy of this Memorandum Circular be furnished the U.P. Law Center.

BOARD FOR MARINE DECK OFFICERS


CAPT. JAIME D. AQUINO
Chairman

BOARD FOR MARINE ENGINEER OFFICERS


CHIEF ENGINEER MIGUEL O. MARASIGAN
Vice-Chairman
Officer-in-Charge

APPROVED:

PROFESSIONAL REGULATION COMMISSION


TERESITA R. MANZALA
Chairperson

O-CH/O-COMII/O-COMI/O-ASCOM/BMDO/BMEO
TRM/AYP/JJM/ATG/JDA/MOM/sga

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