

Executive Order No. 75, s. 2012

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 75

DESIGNATING THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS (DOTC), THROUGH THE MARITIME INDUSTRY AUTHORITY, AS THE SINGLE ADMINISTRATION IN THE PHILIPPINES RESPONSIBLE FOR OVERSIGHT IN THE IMPLEMENTATION OF THE 1978 INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, AS AMENDED

WHEREAS, the Philippines is the premiere provider of competent and certificated seafarers in the international seaborne trade, accounting for more than 25% of the total crew requirements on board international merchant marine vessels, performing management and operational functions as well as support services on ships of various types, categories and sizes;

WHEREAS, the Philippines' shipboard personnel is a consistent major contributor to the Philippine economy through its foreign exchange earnings in the amount of more than US\$3 Billion annually;

WHEREAS, it is of paramount national interest that the competitiveness of the Filipino seafarer be promoted and sustained and thereby ensure that they are accorded consistent priority in employment and that their job security is maintained;

WHEREAS, the above objective can only be fully achieved through the institution of a single maritime authority in the Government to oversee and supervise the maritime education, training and certification system in accordance with the adopted international standards at all levels;

WHEREAS, the 1978 International Convention on Standards of Training, Certification and Watchkeeping (STCW Convention) for Seafarers, as amended, is a maritime safety instrument which sets the global standard of training and certification for seafarers engaged in the international shipping trade which was adopted under the auspices of the International Maritime Organization (IMO), the United Nations specialized agency responsible for safe and secure shipping and the protection of the marine environment through the prevention of pollution from ships, and which views training and education of seafarers as indispensable elements of crew competence, the software component of maritime safety;

WHEREAS, the Philippines is a party to the STCW Convention through the Instrument of Accession submitted to the IMO on 11 January 1984;

WHEREAS, since 1988, the Maritime Industry Authority (MARINA), as the flag state administration had originally undertaken the implementation of the STCW Convention, as amended, relative to the issuance of the Certificates of Competency to all seafarers from the period 1988 to 2000, pursuant to Executive Order No. 125-A (s. 1987);

WHEREAS, as a result of the adoption of the 2010 STCW Amendments, also known as the “Manila Amendments” which took effect on 1 January 2012, that imposes upon the maritime administration extensive responsibilities to satisfy full and complete compliance thereof, there is an urgent need for the Philippines to institutionalize a single maritime administration to lead, and supervise the comprehensive review and amendment, if necessary, of existing laws, rules and regulations, including undertaking other appropriate measures to ensure full and complete compliance with the Manila Amendments;

WHEREAS, it is recognized that full and complete implementation to institutionalize a single maritime administration will still entail congressional action to amend or revise the legal mandates of the Professional Regulatory Commission (PRC) and the Commission on Higher Education (CHED); and

WHEREAS, the Revised Administrative Code of 1987, among other laws, empowers the President with continuing authority to reorganize the Executive Department.

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. STCW Administration. The Department of Transportation and Communications (DOTC) through the MARINA shall exercise oversight and supervision over compliance with all qualification requirements and conditions under the STCW Convention, as amended, relating to maritime education, training and certification, subject to existing and applicable laws.

SECTION 2. Designation of Single Maritime Administration. In the exercise of the oversight and supervisory functions relating to STCW implementation, DOTC, through the MARINA, is hereby designated as the single and central maritime administration. For this purpose, and subject to existing and applicable laws, MARINA is hereby authorized to issue the appropriate Certification for the deployment of seafarers in the international seaborne trade consistent with the STCW 2010 Manila amendments.

In order to effectively carry out this function, DOTC through MARINA, shall issue the implementing rules and regulations to ensure that all legal and administrative measures taken and provided by the concerned government agencies and instrumentalities are appropriate and compliant to the STCW Convention, as amended;

DOTC, through the MARINA shall likewise review existing laws, rules and regulations, and undertake appropriate action to recommend to Congress the enactment of appropriate measures to revise or amend any and all existing laws, whenever warranted, to comply with and implement STCW Convention, as amended.

SECTION 3. Transfer of Functions of the MTC. The functions of the existing Maritime Training Council (MTC) created under Letter of Instructions No. 1404 (1984) and the function of the Technical Education and Skills Development Authority (TESDA) to issue the Certificate of Competency for Ratings by virtue of Executive Order No. 242 (s. 2000) shall be transferred to the DOTC, through the MARINA. Its functions, the records, equipment, facilities, rights, and other assets and personnel are hereby transferred to the DOTC, through the MARINA.

SECTION 4. Role of Other Departments, Bureaus, Offices, Agencies, Instrumentalities of the Government. For the DOTC to effectively carry out the above-stated functions, all departments, agencies, bureaus, offices, including Government-Owned or Controlled Corporations (GOCCs) are hereby directed to render full assistance and cooperation to the DOTC, through the MARINA, as may be necessary and appropriate in the performance of its functions; and

SECTION 5. Funding and Personnel. The amount necessary to carry out the implementation of this Executive Order shall be chargeable against such funds as may be identified by the Office of the President and the DOTC. The creation of additional *plantilla* positions and hiring of additional personnel to carry out the functions enumerated therein shall be authorized in coordination with the Department of Budget and Management (DBM). Thereafter, appropriations for the STCW implementation shall be included in the budget of the DOTC, through the MARINA.

SECTION 6. Implementing Rules and Regulations. The DOTC, through the MARINA, shall, within thirty (30) days from the effectivity of this Executive Order, promulgate rules and regulations necessary to ensure the effective implementation of this Executive Order.

SECTION 7. Repealing Clause. Letter of Instruction No. 1404 (1984) and Executive Order No. 242 (s. 2000) are hereby repealed. All other orders, rules, regulations and issuances, or parts thereof, which are inconsistent with this Executive Order are hereby repealed or modified accordingly.

SECTION 8. Transitory Provision. The MTC and TESDA shall continue to discharge their respective functions within thirty (30) days from effectivity of this Executive Order or until such time that the DOTC, through the MARINA, shall have fully established procedures relative to the transfer and assumption of functions stated herein.

SECTION 9. Separability Clause. If any provision of this Executive Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 10. Effectivity. This Executive Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

DONE in the City of Manila, this 30th day of April, in the year of Our Lord, Two Thousand and Twelve.

(Sgd.) **BENIGNO S. AQUINO III**
President of the Philippines

By the President:
(Sgd.) **PAQUITO N. OCHOA JR.**
Executive Secretary