



TANGGAPAN NG KOMANDANTE
(OFFICE OF THE COMMANDANT)
PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(Headquarters Philippine Coast Guard)
139 25th Street, Port Area
Manila

18 June 2006

MEMORANDUM CIRCULAR)

NUMBER 02-2006)

MARINE POLLUTION INSPECTION/APPREHENSION REPORT

I. AUTHORITY:

- A. Presidential Decree No. 600
- B. Presidential Decree No. 979
- C. International Convention of 1973 for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 (MARPOL 73/78)
- D. International Maritime Organization Convention on Oil Pollution Preparedness and Response (OPRC 1990)

II. SCOPE:

This Memorandum Circular shall apply to all Philippine registered vessels engaged in international and domestic trade and to foreign registered vessels, whether engaged in international trade or not in the territorial jurisdiction of the Philippines.

III. PURPOSE:

To prescribe the policies and procedure implementing the provisions of the MARPOL (73/78) and PCG rules and regulations.

IV. DEFINITION OF TERMS:

- A. **Marine Pollution** - the discharge of any form of substance whether liquid, gaseous or solid that may render such waters detrimental or may affect public health, marine life, sea birds or the safety and welfare of domestic, commercial, industrial, agricultural, recreational establishments/institutions
- B. **Inspection Apprehension Report (IAR)** – a written document issued by an Inspection and Apprehension Officer of the Philippine Coast Guard to any person who is apprised of a *prima facie* finding by the former of the latter's violation of laws, rules and regulations on marine pollution.

V. **PROCEDURE:**

A. Domestic Trade Vessel:

Any vessel on domestic trade found to have violated any MARPOL-related regulation shall be issued an IAR by the Director, National Operations Center for Oil Pollution or the Coast Guard District/Station Commander, as the case may be. Apprehending units shall determine the administrative penalty/fine as prescribed in PCG rules and regulations on marine environmental protection. Likewise, a summons shall be issued by the Investigation/Adjudication Officer to the owner/operator and officers of the vessels/shipping company informing them of the charges against them so that they may submit controverting evidence.

B. Philippine Registered International Trade Vessel:

1. Whenever a Philippine registered vessel is inspected while on the territorial waters of another Party and such inspection indicated that there is/are violation/s of the provisions of MARPOL 73/78, the Commandant, Philippine Coast Guard or his duly authorized representative shall be duly notified by the Master/Ship Owner/Charterer/Agency on any entity representing the vessel at the time of apprehension notwithstanding the information to be provided by the Party which has reported the alleged violation/s. Such notification shall include information regarding the violation/s made and the action/s taken to correct same.

2. The Commandant, Philippine Coast Guard may, based on the information and evidences provided by the Party which has reported the alleged violation/s, direct the conduct of an investigation regarding the reported violation/s. The Party which has reported the alleged violation/s and the Organization shall be duly informed of the action taken.

C. Foreign Vessel:

1. Generally, vessels flying the flag of another Party and to which the present Convention applies shall be governed by the inspection procedures of Port State Control. However, if such inspection indicates that the violation/s committed by the vessel cannot be corrected by PSC procedures or there is/are evidence/s that the vessel has discharged any harmful substances in violation of the provisions of the regulations, the Commandant, Philippine Coast Guard shall either apply sanction to the vessel in accordance to the Philippine laws or furnish to the Administration of the vessel such information and evidence/s as may be in its possession that a violation has occurred.

2. Should the latter be resorted to, all evidence/s and necessary documents shall be gathered and forwarded to CMEPCOM and a copy hereof furnished to CPCG (Attn: CG-9) for proper endorsement to the Administration where the ship is registered thru the country's Foreign Affairs Department for its appropriate action.

3. An IAR shall be issued for violations of HPCG Memo Circulars. The administrative procedure prescribed by the IAO Rules shall be observed and the Investigation and Adjudication Officer shall impose the corresponding fine/penalty as the circumstances may warrant. Undue delay shall not be made on the vessel. The local agent of the apprehended vessel shall be

responsible for whatever liability the Ship's Master may have with respect to these local regulations.

D. Any master of a vessel or person in charge thereof with personal knowledge of any incident of marine pollution shall immediately notify the Philippine Coast Guard, giving particulars of the incident such as: name of the vessel, location, weather condition, type of spill, quantity and other information necessary for the immediate recovery and clean-up operation.

E. The pilot and/or co-pilot in charge of an aircraft shall, without delay, report his observation on any event at sea or at sea port or oil handling terminal/facility involving discharge of oil or the presence of oil to the nearest Philippine Coast Guard unit.

F. Pollution incidents either from land-based or water-borne sources, shall be immediately reported to the PCG or other government agencies for appropriate action.

VI. EFFECTS OF THE ISSUANCE OF AN IAR:

The issuance of an IAR is a mode of initiating administrative proceedings against violators of MARPOL 73/78 and PCG rules and regulations on marine environmental protection. It shall constitute sufficient notice of an administrative case against the person(s) to whom it is issued. For this purpose, a respondent is required to submit evidence for and in his behalf before the Investigation and Adjudication Officer having jurisdiction over the case within ten (10) days from receipt thereof.

VII. RESPONSIBILITY:

A. Commanders, Marine Environmental Protection Command and Coast Guard District/Station:

1. In charge of the inspection and apprehension of persons and entities causing marine pollution.
2. Designate an Investigation and Adjudication Officer who shall conduct an investigation in accordance with the IAO Rules and impose the corresponding administrative fine and penalty.
3. Coordinate with NOCOP on matters requiring technical and laboratory assistance.

B. Commander, National Operation Center for Oil Pollution:

1. Conduct inspection, surveillance and apprehension of persons and entities causing marine pollution.
2. Coordinate with other agencies on matters requiring technical assistance such as laboratory experimentation for investigations, research and prosecution of marine pollution cases.

C. AC of S, CG-9:


1. Prepare endorsement letter of the MARPOL violation of the vessel to be signed by CPCG or his duly authorized representative in case of foreign vessels;
2. Prepare the MARPOL Violation Report/Letter as prescribed in the Integrated Citation Form duly approved by the Commandant, PCG or his authorized representative for Philippine registered vessels plying the international trade; and
3. Monitor and record all reported marine pollution violations

VIII. REPEALING CLAUSE:

Memorandum Circular No. 04-2001 dated 18 June 2001 is hereby repealed.

IX. EFFECTIVITY:

This Memorandum Circular shall take effect after fifteen (15) days after publication in the Official Gazette or in the newspaper of national circulation in the Philippines.


ARTHUR N GOSINGAN
VADM PCG
Commandant, PCG

Philippine Coast Guard
MARINE ENVIRONMENTAL PROTECTION COMMAND
 139 25th Street
 Port Area, Manila

**MARINE POLLUTION INSPECTION/APPREHENSION REPORT
 (Vessels)**

Name of Vessel:		Address:	
Kind of License and No:	Issued at:	Issued on:	
		Expires on:	
CSFL/SCSFL:	CSFL/SCSFL No:	Issued on:	
Cert of Inspection/Special Permit No.:	Issued at:	Issued on:	
		Expires on:	
Gross Tonnage:		Net Tonnage:	
Owner/Operator/Master:		Address:	
Marine Pollution Equipment/Materials			
<input type="checkbox"/> Reception Facility <input type="checkbox"/> Oil Spill Booms <input type="checkbox"/> Oil Skimmer <input type="checkbox"/> Oil Water Separator <input type="checkbox"/> Sorbent Materials		Comments	
Documents/Papers & Articles Inspected			
<input type="checkbox"/> Deck Logbook <input type="checkbox"/> Engineering Log <input type="checkbox"/> Bellbook <input type="checkbox"/> Navigation Chart <input type="checkbox"/> Course Recorder Chart <input type="checkbox"/> Navigation Workbook <input type="checkbox"/> Compass Deviation Cards <input type="checkbox"/> Gyro-Records <input type="checkbox"/> Stowage Plans <input type="checkbox"/> Records of Draft <input type="checkbox"/> Aids to Mariners <input type="checkbox"/> Night Order Books <input type="checkbox"/> Radiograms Sent and Received <input type="checkbox"/> Radio Logs <input type="checkbox"/> Crew/Passengers Lists		Comments	
		Documents/Papers/Articles Voluntarily Furnished the PCG	

Place of Inspection:	Witnesses to the Inspection: 1. _____ _____ _____
Date of Inspection:	
Time of Inspection:	

Violations Of Laws, Rules and Amendments Thereto

(This area is intentionally left blank for recording violations.)

Notice of Administrative Case

Pursuant to Presidential Decree No. 979 and MARPOL 73/78, as implemented by Philippine Coast Guard Memorandum Circular No. 04-2001 dated 18 June 2001, the Apprehending Officer finds you *prima facie* liable for the above-mentioned violation/s. Consequently, you shall be charged before the Investigation and Adjudication Officer (IAO) _____. You are given a period of ten (10) days from receipt hereof to submit evidence and/or appear before the IAO. Failure to do so shall be construed as a waiver of your right to be heard and the case will be decided accordingly.

FOR THE COMMANDANT, PCG

OIC/POIC/PCG

Inspection/Apprehension Officer

Certification of Orderly Inspection

The undersigned hereby certifies that [a] the inspection was conducted in an orderly manner without the use of force upon my/our person(s) or property; [b] the documents/papers and articles inspected are authentic and the contents thereof are correct to the best of my/our knowledge; [c] that I/we voluntarily furnished the Inspection/Apprehension Officer with copies of the above-enumerated documents/papers &/or articles, and neither was anything taken without proper receipt; [d] we shall make these documents/papers &/or articles available to the IAO upon investigation of the alleged violation(s); [e] that the contents of the Inspection/Apprehension Report is correct and acknowledge receipt of a copy on the day and time written; [f] this statement was freely and voluntarily made without the use of force, threat or intimidation; and [g] the contents of this IAR were translated to me and I have understood the same.

Date

Operator/Master/Representative

Philippine Coast Guard
MARINE ENVIRONMENTAL PROTECTION COMMAND
 139 25th Street
 Port Area, Manila

**MARINE POLLUTION INSPECTION/APPREHENSION REPORT
 (Land Based)**

Name of Establishment:		Address:	
Business Permit No.	Issuing Authority:		Issued On:
	Issued At:		Expires On:
Environmental Compliance Certificate No.	Issued On		Expires On
Name & Address of the Owner/Operator/Manager:		Name & Address of the Safety Environment Officer:	

Marine Pollution Equipment Materials

Reception Facility: _____ Oil Spill Booms: _____ Oil Skimmer: _____ Oil Water Separator: _____ Sorbent Materials: _____	Comments
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Documents/Papers & Articles Inspected

<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> Other documents/papers <input type="radio"/> _____ <input type="radio"/> _____	Comments
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Place of Inspection:	Witnesses to the Inspection: 1. _____ _____
Date of Inspection:	2. _____ _____
Time of Inspection:	_____ _____ _____

Violations Of Laws, Rules and Amendments Thereto

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_____ Date

_____ Operator/Representative