

Republic of the Philippines
Department of Transportation and Communications
MARITIME INDUSTRY AUTHORITY

Date: 21 October 2002

FLAG STATE ADMINISTRATIVE ADVISORY NO. 28

Series of 2002

TO ALL MARINA REGIONAL OFFICES, SHIPPING COMPANIES/OWNERS/OPERATORS AND ALL CONCERNED

SUBJECT SPECIAL AUTHORITY TO OPERATE PASSENGER AND/OR CARGO LINER SHIPS DURING HOLIDAY SEASON

Pursuant to the Public Service Act (Commonwealth Act No. 146, as amended), Presidential Decree No. 474, Executive Order 125/125-A, Memorandum Circular Nos. 121 and 161, and to ensure safe, convenient, and uninterrupted public service during the Holiday Season, the following guidelines are hereby promulgated:

I. COVERAGE

This Flag State Administration Advisory Shall cover all Philippine-registered domestic liner ships carrying passengers and/or cargoes.

II. DEFINITION

Holiday Season – refers to the following Regular Holidays and such Nationwide Special Days as may be declared pursuant to Book 1, Chapter 7 of the Revised Administrative Code of 1987 unless modified by law, order or proclamation, to wit:

A. Regular Holidays

1. New Year's Day - January 01
2. Maundy Thursday
3. Good Friday

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|------------------------|-------------------------|
| 4. Labor Day | - May 01 |
| 5. Independence Day | - June 12 |
| 6. National Heroes Day | - Last Sunday of August |
| 7. Bonifacio Day | - November 30 |
| 8. Christmas Day | - December 25 |
| 9. Rizal Day | - December 30 |

B. Nationwide Special Days

1. All Saints Day – November 1
2. Last Day of the Year – December 31

III. INSTANCES COVERED

Special authority to operate during the Holidays Season covered by this Advisory includes changes/adjustments/amendments of schedule or route/automatic substitution, under any of the following circumstances:

- a. fortuitous event;
- b. emergency/calamity situations;
- c. drydocking/repairs/engine breakdown/trouble;
- d. increase in frequency of trips in authorized route/s due to influx of passenger;
- e. for cargo-carrying vessels only: side trips/special trips to carry shut-out cargoes, empty containers or overbooked cargoes
- f. departure of vessel as soon as vessel is filled to its authorized capacity regardless of its scheduled departure; and
- g. other analogous circumstances as may be determined by MARINA.

IV. CONDITIONS/LIMITATIONS OF OPERATION

The implementation of the above changes/ adjustments/ amendments in vessel/s authorized schedule or route shall only be allowed subject to the following conditions:

1. Such change/amendment/adjustment shall be subject to confirmation by the MARINA and maybe modified/canceled or revoked at any time for valid cause;

2. That all vessel documents as required under memorandum Circular Nos. 121 and 161 are and shall remain valid when such change/amendment/adjustment is effected;
3. That all passenger-carrying vessels shall carry valid indorsement/rider from the insurance company regarding such change/amendment/adjustment;
4. That there shall be no conflict with the schedule of trips of the other authorized operators in the affected route/s and that no authorized route/s shall be left unserved;
5. That an accompanying Marine Protest shall be submitted to the MARINA in case such change/amendment/adjustment is caused by a marine incident/accident; and;
6. That the concerned shipowner/ ship operator shall submit, within twenty four (24) hours of the next working day, an application for confirmation of special authority to operate undertaken during the Christmas and New Year holidays with the required documents mentioned in Item III above and shall pay filing fees in the amount, as follows:
 - a. Steel-hulled ship P3,000.00/ship
 - b. Wooden-hulled vessels:
 - i. 35 GT & above – P1,600.00/ship
 - ii. below 35 GT – P800.00/ship

For strict compliance

ATTY. OSCAR M. SEVILLA
Administrator