

No. 2

社会開発協力部報告書

フィリピン国 船舶検査体制及び技術向上プロジェクト 事前調査団報告書

平成9年5月

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国際協力事業団
社会開発協力部

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フィリピン国船舶検査体制及び技術向上プロジェクト事前調査団報告書

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序 文

フィリピン国は7,000余りの群島で構成され、海運、水産業は国家の基盤をなす重要産業である。しかし、その主役である船舶に対する海上安全行政は、近年の大型海難事故にみられるように、十分機能を果たしていない。また、現在、国際海事機関（IMO）を中心に、大型海難事故による地球規模の環境破壊を防ぐ目的で、船舶に対する安全規制が強化され、各国政府に対して条約の批准と履行を求められているが、フィリピン国政府は検査体制の不備及び検査官の経験、知識、技能の不足から、1974年以降条約の批准をしていない。

船舶検査体制の整備と検査技術の向上はフィリピン国における重要課題であり、海事産業庁（MARINA）が海運、造船政策の主管官庁であるところから、その組織強化と検査技術の向上を図るため、我が国に対して本プロジェクト技術協力が要請された。

これを受けて国際協力事業団は、運輸省海上技術安全局造船課補佐官 佐伯誠治氏を団長とする事前調査団を、1997年3月19日から26日までフィリピン国に派遣し、要請背景、協力内容の大枠（協力の範囲、分野、協力時期等）及びその妥当性を調査し、プロジェクトの実施計画や実施体制をフィリピン国側関係者と協議して、ミニッツに署名を取り交わした。

以下は同調査団の調査内容を取りまとめたものである。ここに、調査の任にあたられた団員各位をはじめ、外務省、運輸省、(財)海外造船協力センターなど関係方面に深く感謝の意を表するとともに、今後の更なるご支援をお願いする次第である。

平成9年5月

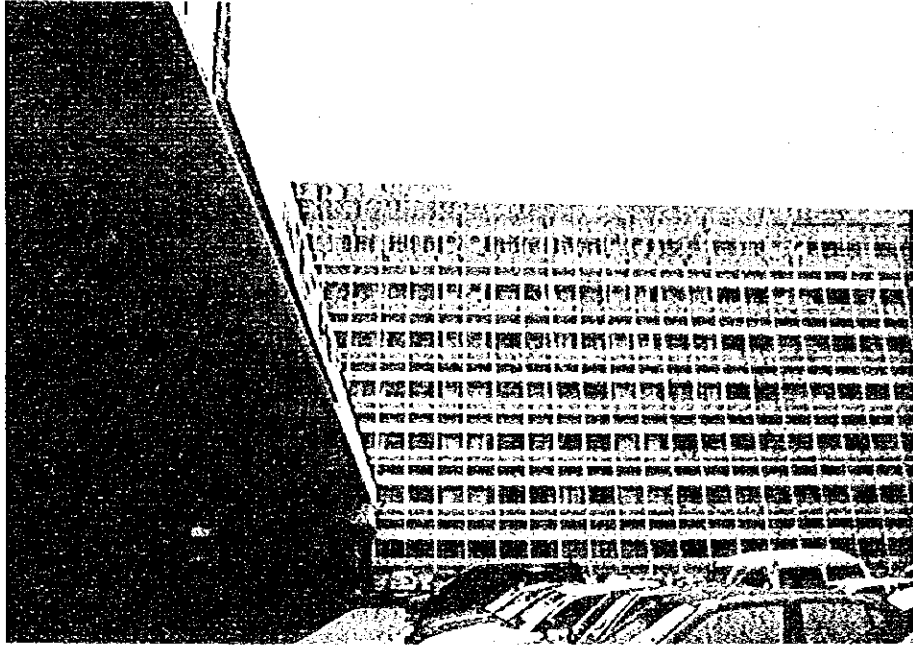
国際協力事業団
理事 佐藤 清



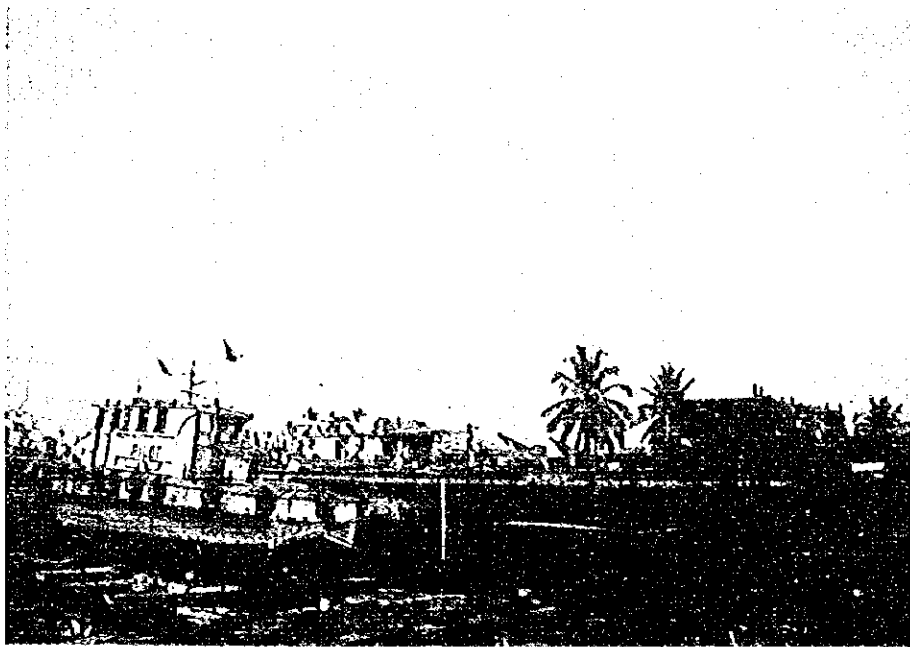
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海事産業庁 (MARINA) との協議

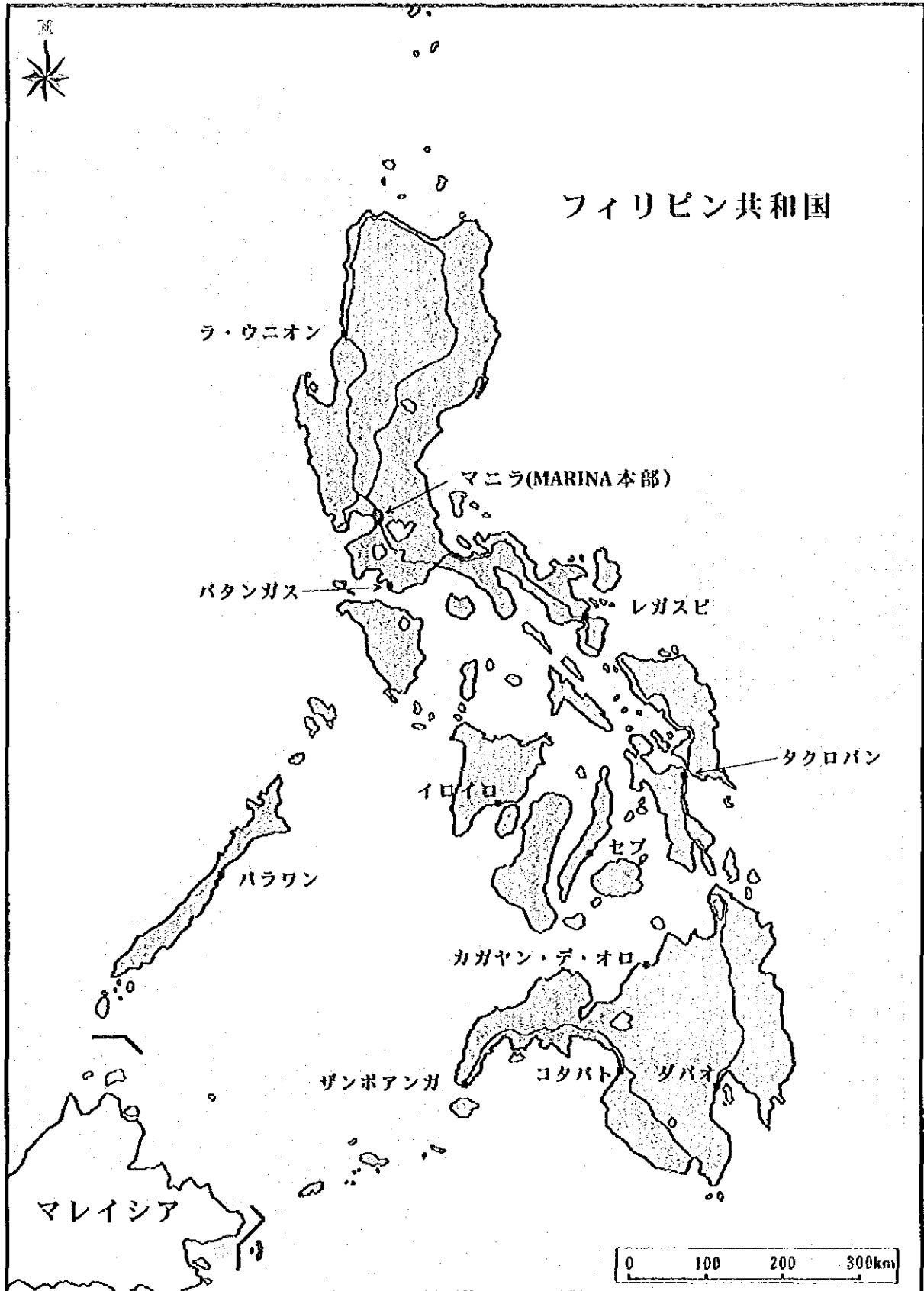


海事産業庁 (MARINA) 入居ビル



造船所 (VL Shipyard Corporation) 全景

海事産業庁(MARINA)本部及び 11地方支局の所在地



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1. 事前調査団の派遣

1-1 調査団派遣の経緯と目的

フィリピン国は7,000余りの群島で構成され、海運、水産業は国家の基盤をなす重要産業である。しかし、その主役である船舶に対する海上安全行政は近年の大型海難事故にみられるように、十分機能を果たしていない。また、現在、国際海事機関（IMO）を中心に、大型海難事故による地球規模の環境破壊を防ぐ目的で船舶に対する安全規制が強化され、各国政府に対し条約の批准と履行が求められているが、フィリピン国政府は検査体制の不備及び検査官の経験、知識、技能の不足から、1974年以降条約の批准をしていない。

そのため、船舶検査体制の整備と検査技術の向上はフィリピン国における重要課題であり、海事産業庁（MARINA）が海運、造船政策の実施主管官庁であるところから、その組織強化と検査技術の向上を図るため、我が国に対し本プロジェクトの要請があった。

本調査団派遣の目的は、本プロジェクト要請内容の妥当性を確認するため、MARINAとの協議を通し、MARINAの機能、活動実績、実施体制、運営体制を調査するとともに、国家開発計画等の中で本プロジェクトが目指すべき活動、役割及び今後フィリピン国における船舶検査需要を調査、確認することにある。

なお、本プロジェクトの実施機関の一つとして要請書に記載されているフィリピン大学については、本プロジェクトから切り離して協力を実施するという考え方もあり、この点についてもフィリピン国側に確認し、現時点での要請内容を聴取する。

1-2 調査団の構成

団 長	総 括	佐伯 誠治	運輸省 海上技術安全局 造船課 補佐官
団 員	船舶検査行政	村山 徹郎	運輸省 海上技術安全局 船舶検査官
団 員	訓練計画	坂本 安三	(財) 海外造船協力センター 技術協力部 調査役
団 員	協力企画	村上 雄祐	国際協力事業団 社会開発協力部 社会開発協力第一課 職員

1-3 調査日程

日順	月日(曜日)	行動内容
1	3月19日(水)	・09:45 JL-741 成田 → マニラ ・日本国大使館表敬、JICA事務所と打合せ
2	3月20日(木)	・海事産業庁(MARINA)との協議 ・国家経済開発庁(NEDA)表敬、運輸通信省(DOTC)表敬
3	3月21日(金)	・MARINAとの協議
4	3月22日(土)	・造船所(VI Shipyard Corporation)の視察
5	3月23日(日)	・団内打合せ、資料整理
6	3月24日(月)	・MARINA長官表敬 ・MARINAとのミニッツ内容に関する協議
7	3月25日(火)	・ミニッツ署名 ・日本国大使館報告、JICA事務所報告
8	3月26日(水)	・14:45 JL-742 マニラ → 成田

1-4 主要面談者

[フィリピン国側]

National Economic Development Authority(NEDA)

Mr.R.S.Reinoso Director

Ms.Milagros Amacanin Specialist

Department of Transportation and Communication (DOTC)

Mr.Primitivo C.Cal Undersecretary

Maritime Industry Authority (MARINA)

Rear Admiral Pio H Garrido Jr AFP(Ret) Administrator

Mr.Amadco V.Bautista Jr Director

Mr.Rodolfo S.Llobrera Director

Mr.Bienvenido Ortiz Chief

Mr.Jose J.Teano Specialist

Mr.Benjamin Nonoy Fontanares Senior Specialist

Mrs.Adoracion U.Castillo Chief

Mrs. Corazon T. Duque	Chief
Mrs. Edna P. Dela Cruz	Chief
Mrs. Margarita E. Carlos	Senior Specialist
Mrs. Delia P. Lorenzo	Chief
Mrs. Elizabeth C. Encarnacion	Senior Specialist
Mr. Jacinto V. Lazo	Senior Specialist
Mrs. Nuemina F. Tandoc	Staff

VI. Shipyard Corporation (造船業者)

Mr. Iluminado A. Abdon	General Manager
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〔日本側〕

JICA 専門家

塩崎雄二郎

JICA 長期専門家 (MARINA 配属)

在フィリピン日本国大使館

小谷野 喜二

一等書記官

JICA フィリピン事務所

後藤 洋

所長

奥田 久勝

所員

2. 調査・協議結果の要約

2-1 国家経済開発庁 (NEDA) との協議

本プロジェクトは、当初は海事産業庁 (MARINA) による船舶検査体制の向上及びフィリピン大学 (UP) における造船学コースの設置が組み合わされた内容のものであった。しかしながら、その後、MARINAとUPの間は必ずしも十分な連携をとっておらず、両者を組み合わせた形のままでプロジェクトの円滑な実施が困難な状況にあり、MARINAとしては、今回の事前調査を契機にMARINA単独のプロジェクトとして実施したい意向であることが明らかになったため、MARINA側から要請内容の詳細を確認した。

その結果、プロジェクトの要請内容は「船舶検査制度の改善」と「船舶検査実施のための技術向上」を目的とし、制度の改善に関しては、①海上安全に関する国際条約に準拠した安全基準の国内採り入れ、②船舶検査における判定基準整備、③検査情報のデータベース化による本部と地方局の連携強化、④検査実績の分析による検査体制向上へのフィードバック等を目指すこと、検査技術向上に関しては、MARINA本部及び拠点地方局の教官研修実施技術や、それら各組織に配置されている上席検査官の検査技術を向上させる研修を実施し、プロジェクト終了後もMARINAが全検査官への研修実施を続ける体制を作ることが明らかになった。

しかしNEDAとしては、UPの取り扱いが流動的であったため、本プロジェクトに基本的に合意をしてはいるものの最終的にはまた要請をエンドースしていない状態にあった。今回の事前調査の結果、MARINA側の要請内容がUP部分を切り離した形となったので、NEDAは今後、これを踏まえて本プロジェクトの審査を行うこととなる。

なお、NEDAとしてはプロジェクト終了後の持続性が重要であると考えており、プロジェクトについてもその点を重視して審査を行うとしている。

2-2 運輸通信省 (DOTC) との協議

運輸通信省 (DOTC) のCa1次官によれば、フィリピン国政府は、Philippine Coast Guard (PCG) を国防省傘下からDOTC傘下へ組織を改編する法律の制定を進めているところであり、上記法律が制定された場合、DOTCとしては、現在MARINAが所掌している船舶検査業務をPCGへ移管する計画であるとのことであった。

2-3 海事産業庁 (MARINA) との協議

MARINAとの協議を通じて確認した事項は、以下のとおりである (付属資料1、ミニッツ参照)。

(1) NEDAによる正式要請

調査団は、NEDAがMARINAからの本プロジェクトにかかる要請書を受け取ってはいるが、正式にエンドースしていないことを指摘した。

調査団はMARINAに対し、NEDAが本調査の結果を踏まえて早期に正式要請を審査できるよう、必要な措置をとることを求めた。

(2) 船舶検査行政を所管する組織

調査団からの質問に対し、MARINAは、現在フィリピンにおいて船舶検査行政を所管する唯一の組織はMARINAであると答えた。

なお、PCGとの関係に関しては、従来から、1987年の大統領令（E0125/125A）に基づいてMARINAが一元的に船舶検査を実施することとなっていたにもかかわらず、実態上は両機関が実施していたが、1997年1月からは実態的にもMARINAが一元的に実施する体制がスタートしている。

(3) PCGへの船舶検査業務の移管について

調査団からMARINAのGarrido長官に対し、PCGをDOTC傘下へ組織改編する法律制定を進めていることに関する事実関係の確認を行ったところ、法案が議会に提出されているのは事実だが、過去にも同様のことがあり、法案成立の可能性には疑問があるとの回答であった。

また、MARINAの見解では、仮にPCGがDOTC傘下になったとしても、船舶検査業務を行う人材、ノウハウはPCGにはないため、船舶検査業務のMARINAからPCGへの移管は難しいとのことであった。

(4) 日本政府による検討

調査団は、本プロジェクトを採択するか否かは調査団の帰国後に行う調査結果報告を踏まえて日本政府によって決定されること、及びその結果はフィリピン国政府に公式ルートで知らされるであろうことを述べた。

(5) プロジェクトの実施体制

1) 組織

本プロジェクトが実施される場合、MARINAは、プロジェクトの監理と実施全般に責任ある者を1名（MARINA長官を想定）、プロジェクトの運営と技術的事項に責任ある者を1名（担当部長を想定）割当てることとする。また、プロジェクトの効率性と順

調な実施を図るための合同調整委員会 (Joint Coordinating Committee) を設置するものとする。

合同調整委員会は、JICA専門家チームとMARINA長官との間に設置し、JICA専門家チームの直接の担当部局となるのは、MARINAの中の Ship Registration and Licencing Office (SRLO) と Enforcement Office (EO) である (SRLOは正式名称であるが、MARINA内部においてはMSO (Maritime Safety Office) と呼ばれることもある) (付属資料1、ミニッツANNEXII参照)。

2) カウンターパートの任命

MARINAは、SRLO (すべての船舶の検査を行い、船舶検査証書を発給する組織) がMARINAにおいて責任を有する組織であると説明した。

SRLOの部長がJICA専門家の主要なカウンターパートとなる。SRLOの部長は、プロジェクトの完了までの間、彼の代理となる3名のスタッフを任命する。また、もし必要であれば、MARINAはフルタイムのワーキング・プロジェクトマネージャーを任命することもできる。

3) 予算計画

MARINAは、1998年度予算において本プロジェクトのために約400万ペソの予算要求を行っている。本プロジェクトが1997年から実施されることになれば、必要な予算を下半期に補正予算の形で手当てすることは可能である (付属資料1、ミニッツANNEX III参照)。

(6) プロジェクトの持続性

調査団は、プロジェクト期間後の持続性が重要であることを指摘し、MARINAに対し、プロジェクトに必要な予算、組織、人員、スペースを確保するよう求めた。

MARINAは、持続的な研修活動のための組織 (Office) を設置し、必要なスペースを確保することを約束した。また、一般の予算に加えてプロジェクト実施に必要な予算を獲得することを約束した。

2-4 調査結果の要約

2-4-1 国家開発計画における位置づけ

フィリピン中期開発計画 (1993~1998年) の運輸センターに関する記述の中で、「海上安全マスタープランの実施を通じて事故の起こる危険性を最小化し、生命を守るための交通安全プログラムを強化する」ことが重要な施策として位置づけられている。これを受けて現在「包括的国家海上安全計画1996~1998年」を策定中である。

2-4-2 フィリピン国における造船・海運の現状

造船・修繕事業者は、1995年12月時点で213事業者を数え、このうち、設備規模1万DWT以上の事業者は11社で、全体の能力の90.5%を占めている。また、全労働者数は約3万4,000名である。1995年における新造船建造実績は10隻、約6,800GTであり、その活動は、新造よりも修繕が中心となっている。

フィリピン国は、多くの島から構成されるという地理的特徴から、国家の経済的発展は海運に依存するところが大きく、輸送の約95%は海上輸送である。相対的に内航海運が発達しており、外航海運の世界的な位置づけは高くない。むしろ、船員供給国としての地位が高くなっている。100GT以上のフィリピン国商船隊は、1995年末現在、1,524隻、約874万GTであり、平均船齢は約20年と老朽化が進んでいるのが特徴である。

2-4-3 フィリピン国における船舶検査体制の現状

MARINAに登録されている検査対象船舶(3GT以上)は、外航船350隻、約730万GT、内航船1万72隻、約170万GT(1996年)である。

フィリピン国においては、“Philippine Merchant Marine Rules and Regulations(PMMRR) 1975年”があり、船舶の安全に関する事項は、この規則により規定されている。

PMMRR(1975年)及び関連規則によれば、船体、機関、ボイラー、救命設備、消防設備、パイロットラダー、航海灯及び船舶検査証書記載事項が検査対象とされている。旅客船は毎年上架検査を、その他の船舶は上架検査と浮上中検査を毎年交互に受けることとなっている。

外航船350隻については、国際条約の適用が必要であり、MARINAと各船級協会の間の協定に基づき、船級協会にはフィリピン国政府に代わって条約証書を発給する権限が与えられている。

MARINAの全職員数は、長官(Administrator)を含め、411名(本部245名、地方局166名)である。本部の船舶検査部門には43名の職員がおり、このうち33名が船舶検査を実施する職員である。地方局の船舶検査官は合計37名であり、本部と合わせると70名の検査官で約1万隻の船舶を検査することになる。また、プロジェクト実施期間中にさらに16名の増員を予定しており、このうちの上席検査官30名を対象に研修を行うこととなる。

フィリピン国における船舶検査体制の問題点としては、以下が挙げられる。

- ① 国際条約の安全基準の採り入れが十分でないこと
- ② 本部において十分な情報管理ができていないため、地方局も含めた情報のデータベース化が必要であること
- ③ 船舶検査の質の向上を図るためには、検査官自身の技術向上を早急に図る必要がある

こと

- ④ 改造による定員増を行う中古の旅客船が多く、このような船に対する検査を充実させる必要があること

2-4-4 現時点でのプロジェクト要請内容

調査団はMARINAからプロジェクトの要請内容の再確認を行った。

その結果、プロジェクトの内容については、UPの部分を切り離し、MARINAの船舶検査体制の向上に焦点をあて、かつ、緊急に対応すべき事項を中心にとすることとし、現時点で2-1に略記した要請内容（詳細は付属資料3を参照）となっている。

MARINAの当初の要請は、付属資料2に示すように日本における研修に重点を置いたものであったが、事前調査時にこれを見直し、現時点の要請内容となった。ただし、このうち、短期専門家の派遣期間については、MARINA側は3か所の拠点で各2週間程度の研修を2回ずつ行う（上級検査官を一度に集合させると現場の業務がストップしてしまうため）ことにより、5か月程度の期間が必要であると主張したのに対し、調査団は研修の方法を工夫することにより派遣期間の短縮は可能であるとの判断から、より短い派遣期間を主張した。この点については、実施の段階でより詳細な研修計画を策定する際に調整可能であるので、事前調査では期間を限定することは避けた。日本での研修期間についても1か月程度としているが、MARINA側はさらに長い期間が必要であると主張しているため、短期専門家による技術指導の内容とともに実施段階で再度期間を確認する必要がある。

機材の中には、コンピュータセット及びソフトウェアが含まれている。これは本部及び地方局の検査情報をデータベース化することと、船体強度解析、復原性評価等の図面承認技術を支援するためのものである。本来は、本部と全地方局に備えることが理想的であるが、段階的かつ着実に整備することが重要であると考え、とりあえず研修活動の拠点となる3地域への整備を優先するべきであると考え。

今回の機材供与は、基本的には、大きなスペースを必要としない機材が中心となっている。将来的には、材料、溶接工の技量について、品質管理体制を確立するための材料試験機及び安全関連設備の整備事業所の整備が必要となってくるが、これは容易に移設できるものではないので、スペースの確保ができてから着手するのが適当であると思われる。本プロジェクトの実施期間中にスペースが確保でき、予算的に余裕がある場合には検討の余地があるが、現時点では将来的な課題と考えるべきであろう。

2-4-5 プロジェクトの効果

- (1) ハードとしての船舶の安全性向上を果たすことができ、海上における安全確保に関連

する他の分野（船員教育、運航管理、航路標識整備、水路業務、捜索救難業務等）との調和ある発展が確保できる。

- (2) 船舶検査官の技術向上のための研修制度が整備され、船舶検査技術の低下を避けることができる。また、今後の検査体制の充実に合わせて増員を行う場合等にも、船舶検査官の検査技術水準の低下を避けることができる。

2-4-6 プロジェクト方式技術協力の妥当性の確認

- ① プロジェクトが国家開発計画の一部であるか

国家開発計画及び海上安全マスタープランで船舶検査体制向上の重要性が言及されている。

- ② プロジェクトが設備、インフラ整備、機材に対する大きな資本投入を要求していないか
本プロジェクトは大きな資本投入を要求するものではない。

- ③ カウンターパートが配置されるか

カウンターパートは配置される（本プロジェクトにはカウンターパートは不可欠）。

- ④ プロジェクトの活動場所が用意されているか

派遣される専門家のための部屋は用意されている。プロジェクトの中で行う研修について、研修の実施場所における研修会場は、常設的ではないものの確保可能である。なお、機材については、基本的に持ち運び式のものであるのでスペースの問題は生じない。

- ⑤ プロジェクトが地理的に広い地域に分散していないか。非常に高いローカルコストがかからないか

本プロジェクトはフィリピン国全土に配置されている船舶検査官を対象としているが、研修を行うのは首都マニラを含めた3地域（マニラ、セブ、カガヤン・デ・オロ）のみであり、拠点は明確化されている。

ローカルコストについては、将来的なことを考えて、研修センターを設置すべく比較的規模の大きな予算要求を行っているところであるが、本プロジェクトの内容のみを考えるとローカルコストとして必要なのは地方局の船舶検査官が研修場所に集合し、滞在するための経費が中心になる。したがって非常に高いローカルコストがかかるものではない。

- ⑥ プロジェクトが商品生産やジョイントベンチャーと関係ないか

船舶検査行政という分野の性格上、商品管理やジョイントベンチャーとは無関係である。

本プロジェクト実施に伴い確保すべきスペースの問題については、MARINAとして積極

的に検討を行っていることがわかった。

その方法としては、以下が考えられている。

- ① 現在のMARINA本部の1室を利用する方法
- ② タクロバンにある国立航海技術訓練所（NMP）のスペースを借りる方法
- ③ 新たに設置される首都地域の地方局（National Capital Regional Office：NCR）の実現の際にその一部のスペースを利用する方法

ただし、いずれの場合も次のような問題がある。①は確実性はあるものの、スペース的には限られたものとなり、将来的に発展の可能性がない。②はNMPの同意を得ているとのことであり確実性は高いが、地理的に不便な場所にあり、研修の持続性に不安が残る。③は最も理想的ではあるが、現時点では実現の可能性が見通せない。

したがって、本プロジェクトの内容を固めるにあたっては、新たなスペースを確保することは前提として考えないこととした。

3. 要請背景の確認

3-1 国家開発計画における位置づけ

最新のフィリピン中期開発計画 (Medium-Term Philippine Development Plan) は1993～1998年を対象としたものである。この開発計画の運輸セクターに関する部分で「海上安全マスタープランの実施を通じて事故の起こる危険性を最小化し、生命を守るための交通安全プログラムを強化すること」が重要な施策として位置づけられている。

この「海上安全マスタープラン」に該当するのが「包括的国家海上安全計画1996～1998 (Comprehensive National Maritime Safety Plan 1996～1998)」である。これは現在作成中の段階であるが、既に海事産業庁 (MARINA) の原案は完成しており、現在大統領府に送付され検討されている状況にある。(製本された段階にあり、その内容は今後大きく変わることはないと考えられる)

フィリピン国における海難事故は1990年から1995年の間に1,324件発生しており、犠牲者も年平均300名近くになっている。このことから「海上安全計画」では海上における安全の確保を目標とし、次の5つの柱を効果的に実施していくことが重要であるとしている。

- ① 船舶の安全性確保
- ② 船員の技能向上
- ③ 航行援助施設の充実
- ④ 海洋環境 (気象・海象) への対処
- ⑤ 捜索救難組織の充実

上記の重要な柱に対しては、それぞれの分野ごとに日本の協力を実施しているところであるが、船舶検査はこのうち「船舶の安全性確保」を実施面で担保するための制度として「海上安全計画」の中で重要な役割を担うことと位置づけられている。

3-2 フィリピン国における造船・海運の現状

フィリピン国は、太平洋の西部に7,109の島からなる群島国家を形成しており、貨物の輸送はもちろんのこと、旅客の移動の多くが海上ルートに依存しており、同国の経済の発展に海運は不可欠の輸送手段となっている。1996年度の統計では、現在MARINAに登録されている船舶は、外航船350隻・726万4,127GT、内航船1万72隻・165万8,153GTであるが、これら外航船の多くが一時的に同国に置籍されたB/C (ベアボート・チャーター) 船といわれている。一方内航船は、75%近くが100GT以下の小型船で占められている。かつて他の調査レポートでも (1989年度海事国際協力センター調査)、250GT以上の船舶はおおむね外国からの中古船導入であり、平均船舶は極めて高く、一方250GT以下の小型船は船齢は若

いが、その多くがローカル建造の低質木造船であり、全体として老朽船隊の感を免れないと報告されている。さらに、旅客輸送にあたる旅客船では、日本及び地中海地域諸国から沿海フェリーを中古買船輸入し、改造したうえで乗客定員を大幅に増やして運航している。造船に関しても、統計上はMARINAに登録されている213事業所のうちドックのある89事業所に146万690GTの設備を有しているが、設備規模1万DWT以上の造船所は11社であって修繕業務を主としている。最近日本の海外進出企業であるTsuneishi Heavy Industries (Cebu) Inc. が2万3,500DWT型バルクキャリアーの建造に着手したが、それ以外の新造船は1995年の統計では10隻約6,800GTに過ぎない。

3-3 船舶検査のニーズ

フィリピン国政府により策定中の「包括的国家海上安全計画1996～1998年」によれば、1990年から1995年の間に1,324件の海難事故が発生しており、事故調査の結果が表-1のように分類されている。

表-1 海難事故統計 (1990～1995年)

状 況	遭難者数	事 故 原 因
1. 座礁	264	不可抗力・乗組員の能力・行動
2. 沈没	313	不可抗力・堪航性・乗組員の資格
3. 衝突	87	乗組員の能力・行動
4. 火災	88	規則違反・不注意・乗組員の資格
5. 転覆	281	不可抗力・乗組員の能力・行動・違反
6. 行方不明	107	
7. 漂流/機関故障	184	管理・整備
合 計	1,324	

その中で船舶の堪航性に起因する海難について、船舶検査の重要性が指摘されている。すなわち、「海上安全計画」でも先に述べた5つの柱を効果的に実施していくことが重要であるとされており、船舶の安全性確保については、船主の海上安全に対する意識の向上・実行、造船関連業者の造船・船舶修理における品質向上努力に加え、船舶検査制度・技術の向上が不可欠となっている。

3-4 フィリピン国の船舶検査制度

3-4-1 規則

フィリピン国の海事規則には“PHILIPPINE MERCHANT MARINE RULES AND REGULATIONS”(PMMRR)がある。この法律は、1974年大統領令No204に基づき、Philippine

Coast Guard (PCG)とMaritime Industry Authority (MIA)=現在のMARINA=が協力するものとして1976年8月9日公布された。その目的は「The purpose of these Rules and Regulations is to ensure that all vessels of Republic of the Philippines are so designed, constructed, Maintained, operated and inspected as to attain the highest standards of safety of life and property at sea」(この規則の目的は、フィリピンのすべての船舶が海上における人命と財産の安全を図るため最高の水準の設計、建造、保全、運用及び検査を確保することである)とされている。

この規則は、1960年の海上人命安全条約 (SOLAS)を基に定められ、以下の構成になっている。

第1章：General provision

第2章：Hull Construction

第3章：Passenger Ship Requirements

第4章：Minimum Manning Requirements, Categories and Classes of Vessels and Duties of Officers

第5章：Main Propulsion Machinery

第6章：Auxiliary Machinery and Equipment

第7章：Boilers and Pressure Vessels

第8章：Tonnage Measurement

第9章：Load Lines

第10章：Life Saving Appliances

第11章：Fire Appliances

第12章：Electrical Navigational Equipment and Communication System

第13章：Bulk Grain Cargoes

第14章：Carriage of Dangerous Goods

第15章：Registration, Documentation and Licensing of Vessels

第16章：Marine Investigation and Suspension and Revocation Proceedings

その後、1992年になってフィリピン籍商船及び漁船の国内水域における安全運航を目的として、設備及び基準の最低要件を定めたPhilippine Merchant Marine Safety Rule and RegulationsがPCG及びMARINAの連名で公布された。

現在、MARINAにおいてPCGの全面見直しが計画されており、HIPMMRRに欠落していた検査の手順を採り入れ、また、国際条約の要件も採用する方向で作業中である。

3-4-2 国際条約の批准状況 (フィリピン国における条約発効日)

批准状況を表-2に示す。

表-2 国際条約の批准状況

条約名	フィリピン国による批准日	条約発効日 (参考)
1 海上人命安全条約(SOLAS) SOLAS 1960 SOLAS 1974 SOLAS PROTOCOL 1978 SOLAS 1981 Amendment SOLAS 1983 Amendment	11 Nov. 1965 15 MAY. 1982 未批准 1 SEP. 1984 1 JUL. 1986	1965 1980 1981
2 国際衝突予防規則 1972年 COLREG 72	未批准	1977
3 国際満載喫水線条約 1966年 Load Lines 1966	4 Jun. 1969	1968
4 国際船舶測度規則 1969年 Tonnage Measurement of Ships 1969	18 Jul. 1982	1982
5 国際海洋汚染防止条約 1973/1978年 MARPOL 73/78	未批准	1983
6 旅客船条約 1974年 Carriage of Passengers and their Luggage by Sea 1974 (PAL 1974)	未批准	1987
7 船員の訓練及び資格証明ならびに 当直の基準に関する国際条約1978年 STCW 78 STCW-F 95	批准日不明 未批准	1984 1997

注：IMO Circular 1996.6 による

3-4-3 船舶検査体制 (PCGとMARINAの所管問題)

フィリピン国では従来船舶検査に関する行政機関として、PCGとMARINAの二つの機関が両立しており、必ずしも統一的な検査が行われていたとは思えない状態であった。1987年4月13日、時の大統領アキノ氏が、E0125、E0125-A を公布、船舶検査業務をMARINAに一元化した。しかしながら、種々の事情があって実態的な一元化が遅れ、1996年12月4日になって、1997年1月1日から船舶検査はMARINAのみにより実施されることがPCGとMARINAの間で合意された。その経過は記録によると次のとおりである。

1987年4月13日 アキノ大統領が、E0125、E0125-Aにより、船舶検査業務をMARINAの業務とする命令を出した（従来は、MARINAとPCGがそれぞれ独自に検査を実施していた）。

1994年11月22日 MARINAとPCGの長官が検査業務をMARINAへ集約することに同意し、即日実施した。

- 1995～1996年 海難が多発し、MARINAの検査実施に不満を持つPCGが船舶検査業務の移管をMARINAに要求した。
- 1996年3月28日 MARINA長官Mr.BalbonとPCG長官が、船舶検査行政のうち検査証書の発行業務をPCGに委任することを合意した。
- 1996年4月12日 PCGから本合意に対し異議が出され、MARINA長官は、MARINAが引き続き検査業務を実施するとの通知を関係者に送付した。
- 1996年6月1日 MARINA長官が交代した。
- 1996年6月5日 MARINA長官とPCG長官が3月28日付の合意を実行することに合意し、実施した。
- 1996年10月17日 海事行政の複雑さを解消するため、MARINA、PCG及びPhilippine National Police-Maritime Group (PNP-MG) の3者がそれぞれの業務分担に関し合意した。すなわち、MARINAは船舶検査行政の実施、PCGは警備救難に伴う取締りの役割となった。
- 1996年11月11日 MARINA長官がPCG長官に委任事項の取消しを通知した。
(船舶検査はMARINAが実施する)
- 1996年12月4日 PCG長官が取消通知を受入れて、1997年1月1日から船舶検査はMARINAのみにより実施されることとなった。
- 1996年12月27日 MARINA長官名で関係者への通告を行った。
注：JICA Expert/MARINAの報告資料による（付属資料4：Executive Order No.125、付属資料5：Executive Order No.125-A）

3-4-4 海事産業庁 (MARINA) の組織

MARINAは、1974年6月1日大統領令No.474（付属資料6）により、海事産業の組織的發展を目的として運輸通信省（Department of Transportation and Communication：DOTC）に、国の海運産業分野にかかわるすべての人、法人、会社、団体を管轄管理する一部局として創設された。MARINAの創設の目的は、フィリピン国の海事産業にかかわる部局を一本化し、他の関連部局と密接に協力して海事分野における政府の機能を強化することであった。MARINAの職務は「海事産業の振興と発展」及び「海事産業の規制と監督」である。

MARINAはフィリピン国海事産業を

- ① 内航海運
- ② 外航海運
- ③ 造船・船舶修理 及び
- ④ 海運人材

の4分野で所管、監督している。

MARINAは本部をマニラに設け、次の11都市・地域、すなわちセブ(Cebu)、ザンボアンガ(Zamboanga)、ダバオ(Davao)、イロイロ(Iloilo)、バタンガス(Batangas)、タクロバン(Tacloban)、コタバト(Cotabato)、カガヤン・デ・オロ(Cagayan de Oro)、レガスピ(Legaspi)、ラ・ユニオン(La Union)及びパラワン(Palawan)に地方局(Regional Office)を設けて、地方における船舶検査を統括している。

本部の組織としては、図-1のとおりで、以下の11部局により構成されている。

- ・ Management Information System Office (MISO)
- ・ Maritime Legal Affairs Office (MLAO)
- ・ Franchising Office (FO)
- ・ Planning and Policy Office (PPO)
- ・ Administrative and Finance Office (AFO)
- ・ Domestic Shipping Office (DSO)
- ・ Overseas Shipping Office (OSO)
- ・ Manpower Development Office (MDO)
- ・ Enforcement Office (EO)
- ・ Shipyards Regulation Office (SRO)
- ・ Ship Registration and Licensing Office (SRLO)

船舶検査を所管するのは、Ship Registration & Licensing Office (SRLO) 及び Enforcement Office (EO) であり、SRLOは、Maritime Operation and Safety Divisionと Ship Registration and Licensing Divisionの2課に、また、EOは Operation Monitoring Divisionの1課により構成されている(注: MARINA回答より)。

また、地方局は

- ・ Domestic Shipping Office
- ・ Shipping Operations Office
- ・ Registration and Licensing Office
- ・ Manpower Development Office
- ・ Franchising Staff

により構成され、船舶検査は Registration and Licensing Officeの担当である。

MARINAでは本部及び地方局に Engineer、または Specialist と称する職員が配置されており、船舶検査に関する技術的な業務全般を担当している。現在、総数70名であり、その配属先は表-3のとおりである。

表一 3 船舶検査担当職員数の現状

Manila (本部)	33	Batangas	4
Cebu	8	Tacloban	4
Zamboanga	4	Cotabato	2
Davao	5	Cagayan de Oro	4
Iloilo	3	Legaspi	3

注：MARINA回答より

なお、MARINAには上記9 地方局に加え、非公式な組織としてLa Union Regional Office及びPalawan Regional Office があり、それぞれ2名の船舶検査担当職員が臨時に配属されている。MARINAでは組織の拡充を計画しており、上記2 地方局の設置に加え、マニラ首都圏を管轄するNational Capital Regional Officeを新設することを含めて、現在全体で16名の職員増員を要求しており、予算が認められた場合の配置は表一4 のようになるとされる。

表一 4 船舶検査職員数 (増員後)

Manila (本部)	43	Cotabato	2
Cebu	8	Cagayan de Oro	4
Zamboanga	4	Legaspi	3
Davao	5		
Iloilo	3	La Union	2
Batangas	4	Palawan	2
Tacloban	4	National Capital	2

MARINA所属検査官への採用資格要件は、大学の工学部を履修し学士号取得以上となっている。また、検査官の教育カリキュラムは諸般の情勢から確立されておらず、現場でのOn the Job Training (OJT) による指導教育が主となっている。

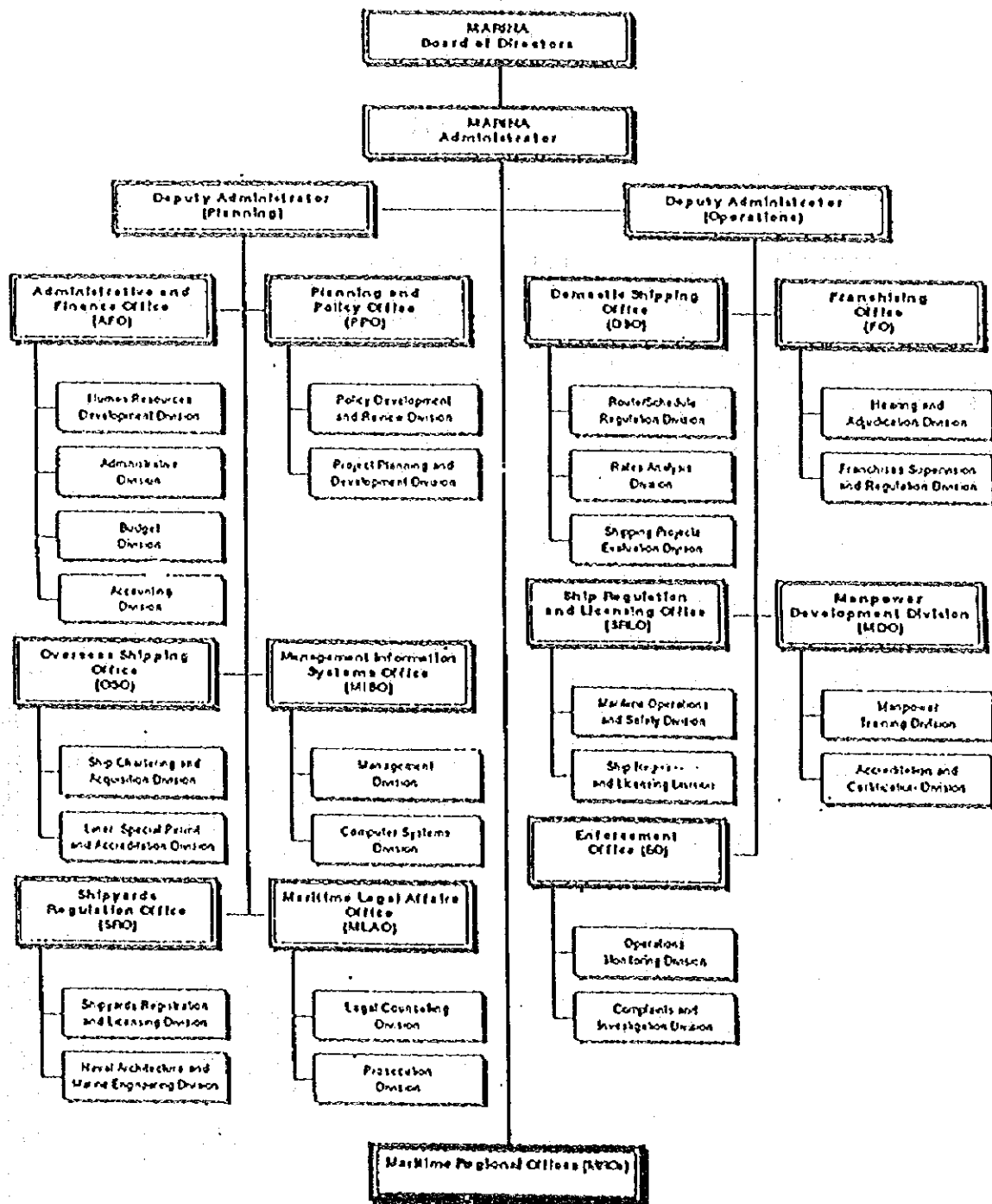


図-1 MARINA組織図

Organizational Structure of the Maritime Industry Authority(MARINA).

注：組織図ではShip Regulation & Licensing Office (SRILO) となっているが、
打合せではShip Registration & Licensing Office (SRILO) と説明があった。

〔参考〕 Maritime Regional Officeの所在地

現在、Cebu (セブ)、Zamboang (ザンボアンガ)、Davao (ダバオ)、Hoilo (イロイロ)、Batangas (バタンガス)、Tacolban (タクロバン)、Cotabato (コタバト)、Cagayan de Oro (カガヤン・デ・オロ)、Legaspi (レガスピ)、La Union (ラ・ウニオン)、Palawan (パラワン) の11都市・地域に地方局 (Regional Office) を配置しているが、Manila首都圏にNational Capital Regional Office (NCR) を新設する計画である。

3-4-5 MARINAに登録されている船舶

1) 検査対象船舶

1996年の統計によると、MARINAに登録されている検査対象船舶は表-5のとおりである。

表-5 MARINAに登録されている検査対象船舶 (1996年)

① Overseas Fleet (外航船) 350隻 7,264,127GT 11,697,455DWT

Bulk Carrier	231	Car Carrier	12
General Cargo	48	Reefer Carrier	10
Container Carrier	9	Ro-Ro	4
Multi Purpose	10	Tanker	6
Live-Stock Carrier	13	LPG Carrier	3
Log Carrier	2	Passenger	1
		No Information	1

② Domestic Fleet (内航船) 10,072隻 1,658,153GT

Kind of Ship	No.	<100ton	100~1,000	>1,000	No Info
Passenger Ferry	1,096	825	239	1	31
Passenger Cargo	353	118	158	70	7
General Cargo	2,145	1,573	476	81	15
Container Carrier	39	--	3	36	--
Liquid Cargo	20	7	13	0	--
Barge	546	41	466	38	1
Tanker	173	5	109	52	7
Towing/Salvage	444	338	98	0	8
Pleasure	54	44	10	0	--
Pilot Boat	12	10	2	0	--
Others	138	111	17	3	7
Fishing	5,052	4,615	430	3	4
Total	10,072	7,687	2,021	284	80

注：MARINAにて調査

2) Passenger Fleetについて

国内船1,000GT以上のPassenger Fleet71隻の内59隻の資料を入手し、これをLloyd's Register記載の資料と比較したところ、表-6に示すとおり乗客定員が大幅に増加していることが分かった。

表-6 中古旅客船の改造例

		L×B×D-d	GT	NT	Passenger	Year
C号	Lloyd's	149.13×22.86×7.32 -4.969	6,521	3,659	1,200 dkP	1965
	MARINA	149.10×22.80×7.30	7,977	4,217	2,143	
F号	Lloyd's	180.52×26.45×9.00 -6.630	11,295	5,918	1,387 P	1973
	MARINA	171.00×22.50×9.00	13,705	8,448	2,960	
O号	Lloyd's	101.50×20.00×6.20 -4.922	2,962	1,224	597 dkP	1972
	MARINA	97.60×19.20×6.20	2,366	1,091	1,824	
P号	Lloyd's	166.63×22.03×13.20-6.150	9,287	4,005	1,007 bth 690 dkP	1974
	MARINA	160.68×-----×-----	9,463	4,023	3,259	

注：Lloyd's Register Book 1996~1997/MARINAにおける調査

dkP：deck passenger, P：passenger, bth：berth

これは、海外の旅客船を買船し、定員の増加を行う等の改造を行ったうえで国内用旅客船としている事例が多いことを示している。

3-4-6 検査の種類と間隔

現在のPMMRR1975によれば、船体、ボイラー、機関、救命設備、消火設備、パイロット・ラダー、航海灯、及び船舶証書記載事項を検査対象項目とし、検査の間隔を旅客船では毎年、その他の船舶では2年ごととしているが、入渠検査等についての規定はない。通達(Philippine Coast Guard, 20 March, 1981付)で、旅客船では毎年の上架検査を、その他の船舶では上架検査と浮上中検査を毎年交互に要求しているが、詳細の規定はみあたらない。一方、外航船350隻については、国際航路に就航する以上、国際条約の適用が求められるので、MARINAは船主に国際船級協会(IACS)所属の船級協会への入級を勧め、各船級協会には、フィリピン国政府に代わって条約証書を発給する権限を与えている。したがって、検査の種類と間隔は各船級協会の規則に従っている。

注：船級協会との間に“Agreement Governing the Delegation of Statutory Certification Services for Vessels Registered in the Philippines Engaged in International Voyages”がある。

今回の調査で得たMARINA検査官による検査の実績は、1995年度 4,133件(本部 1,765件、地方局 2,368件)、1996年度 1,122件(本部のみ)(1994年11月から1996年4月の間はPCGが検査を行っており、そのデータは含まれていない)であり、検査対象件数10,072件と比べ、少ない。MARINAによれば、地方局からの検査情報が不足しているとのことであるが、これは半面、検査情報の重要性に対する認識欠除の結果と認めざるをえない。

3-4-7 フィリピン国における海難事例

今回の調査で得た1992年から1996年の5か年間における海難の統計によると、内訳は表-7のとおりである。

近年、海難件数は減っているが、相変わらず人命の損失が多い。

表-7 フィリピン国の海難統計 (1992~1996年)

	1992	1993	1994	1995	1996
沈没	51	45	35	37	35
座礁	26	26	23	58	19
転覆	44	41	37	33	32
火災	16	11	18	23	6
漂流	30	27	24	13	9
衝突	13	13	13	17	5
浸水	--	--	--	--	3
行方不明	16	10	13	--	--
追突	--	--	--	--	10
事故件数	196	173	163	181	119
救難出動件数	95	103	83	67	57
遭難者数	47	313	106	121	82
行方不明	60	218	147	97	38
救助者数	212	1,122	1,528	2,050	1,413

注：PCGの資料による

3-4-8 フィリピン国の造船設備の概要

造船、船舶修理関係者は、MARINAへ登録する必要があると、1995年12月の資料によれば213業者がMARINAから許可を与えられている。造船所の設備は50DWT程度のものから30万DWTまで種々な能力のものがあり、設備規模1万DWT以上の造船事業者は、表-8のとおり11社で、能力ベースで全体の90.5%を占めている。この中で、Subic Shipyard、Kepphil Shipyard、Cebu Shipyardの3社は、シンガポールのKeppelグループの傘下であり、合計で117

万9,400DWTの設備能力を持っている。

表-8 フィリピン国の主な造船所
(設備能力 10,000DWT 以上)

事業者名	設備	能力 (DWT)
Subic Shipyard & Engineering Inc.	G.D. B/R berth	1,012,500
KEPPIHL Shipyard Inc.	B/R berth F/D, Lift Dock	105,100
Cebu Shipyard & Engineering Works Inc.	G/D Slipway	61,800
Tsuneishi Heavy Industries (Cebu) Inc.	Slipway F/D	28,000
Mindanao Shipbuilding Corp.	Slipway	23,250
A.G. & P. Co. of Manila (Marine) Inc.	Slipway B/R berth	21,000
Mariveles Shipyard Inc.	Slipway	16,500
Sandoval Shipyard Inc.	Slipway G/D	16,500
Dansyco Marine Works & Shipbuilding Corp.	Shipbuilding Way B/R berth	15,000
Phil. Iron Const. & Shipbuilding Corp.	Slipway Lift dock	13,500
F.F. Cruz & Co., Inc.	Launching Pad Slipway	10,500

注：G/D Graving Dock
F/D Floating Dock
B/R berth Bulding and Repair berth

なお、1995年の時点で、ドック設備は89事業所に204基 146万690GTあり、規模から区分すると表-9のようになっている。

表-9 ドック設備の規模別基数

区 分	基 数
7,500 DWT 以上	18
1,500~7,499 DWT	46
1,500 DWT 以下	140
合 計	204

1995年における造船関係労働者数は、3万4,061名で、内訳は、熟練工74%、管理部11%、技術者8%、その他7%となっている。

3-4-9 造船所における品質管理体制

今回の調査では、時間的制約もあって造船所の実態調査は、MARINAの推奨するマニラ首都圏の標準的造船所1社(600DWT、450DWT2本のSlip-wayを所有する)に限らざるをえなかった。

(1) 品質管理部

品質管理の概念があるとは思われず、MARINA検査官の指示に従えば十分との感覚である。また、船主から予算にからみ工事費の削減を求められた場合、安易に工事の内容・範囲を変える傾向にあり、MARINA検査官もそれを容認している。

(2) 規格

ISO(国際規格)、ANSI(米国)、BS(英国)、JIS(日本)等一般に認められているこれら規格を採用しているとは理解できない状態である。

(3) 作業標準

社内に作業標準があるとは思われず、見よう見まねで作業している現状である。

(4) 安全管理

酸欠事故防止、引火、爆発事故防止、作業環境の安全確認、作業者の健康管理等の管理体制が欠如している。

(5) 試験器、計測器、検知器

試験器、計測器、検知器等の管理体制も欠如しており、重要計測器の定期的校正の手順も確立していない。

(6) 溶接工の資格

溶接工資格制度、資格試験、溶接工の管理は、すべて技能センターの行う資格制度に従っているというが、社内での管理が行われているとは思われず、溶接器の整備、管理も不十分である。

(7) 検査系の資格

検査係による自主管理制度は行われておらず、MARINA検査官による検査が唯一である。

3-4-10 造船関連産業

フィリピン国には現在、鋼材、溶接材料、船舶用機器、資材等の造船関連産業は未成熟であり、ほとんどを国外からの輸入に頼っている。また、船舶用安全設備として備え付け及び定期的整備が必要となる膨脹式救命いかだ、GMDSS無線設備等の整備場についての承認、認可制度は確立していない。

3-4-11 新造船建造実績

1995年度における新造船建造実績は、MARINAの記録によると、表-10のとおりである。

表-10 新造船建造実績

船型/船種	サイズ		隻数
タンカー	4,380	トン	1
タンカー	1,500	トン	1
タンカー	300	トン	1
プレジャー	---		1
タグボート	28.30	トン	1
バージ	375	トン	1
漁船	40	トン	4

3-4-12 修繕船工事实績

1995年における修繕船工事实績は、MARINAの記録によると799件であるが、工事の内容はつまびらかではない。

3-4-13 フィリピン国造船業における最近の動き

(1) Keppel Groupによるフィリピン国造船所への投資

Keppel Corporationはシンガポールに本拠を置くコングロマリットであり、船舶建造、修繕、海洋構造物、特種船、建物、金融、エンジニアリング、運輸、通信、物流等の部門から構成され、その中心は、Keppel造船所である。船舶修理業では、世界有数の規模を誇るが、周辺諸国に対するシンガポール修繕業の競争力が薄れる中、海外進出に積極的である。フィリピン国には、Kepphil Shipyard、Cebu Shipyard & Engineering Works、Subic Shipyard

& Engineeringを展開している。フィリピン国では1975年から船舶修理業を行っており、シェア70～80%を誇る。実質37%を出資するKepphil造船所は、1～2万DWTのドックを4基所有するほか、1994年にフィリピン政府の民営化政策により実質21%を出資したSubic造船所では30万DWTのドックを有し、大型タンカーの修理を行える。また、フィリピン国南部の中心セブにも造船所を有し、フィリピン国全土において幅広い船舶修理に対応できる体制を整えている。

Subic造船所はマニラの北西、車で3時間のスービック市にあるが、Subic湾都市開発庁を中心に米軍基地跡地への企業誘致が積極的に行われており、基地返還後既に220社が進出、投資額も16億6千万ドルに達している。同地区は、フリーポート地区に指定され、また、Subic国際空港には第2滑走路の建設も計画されるなど、東アジア地区のハブ都市としての機能強化が図られている。こうした中、Subic造船所においてさらに大規模投資が検討されているとも伝えられている。

Kepphil造船所はマニラから南へ車で約3時間のバタンガス港にあり、浮ドック3基及びリフトを持って5,000DWTから2万DWTの船舶の修繕を行っているが、投資委員会(The Philippine Board of Investment)は4億5千万ペソにのぼるKepphil造船所の拡張計画を認可した。拡張計画には、4万DWT乾ドックの建設も含まれている。

注：JETROシンガポール事務所 ASIA MARINE NEWS No.10 “フィリピン国造船業の最近の動き”より

(2) 常石造船のフィリピン国への進出

フィリピン国における造船所は、これまで船舶修繕が中心で、新造船の実績は極めて少なかった。常石造船は、フィリピン国南部の経済、文化の中心セブにTsuneishi Heavy Industries (Cebu) Inc.として新造船所を建設し、現在第1船を建造中である。当造船所は、セブ市中心部から車でおよそ2時間半のセブ本島中西部バタンガスに位置する。KeppelグループのCebu造船所が市中心部の対岸にあるのに対し、ここは中心部から遠く離れた広大な土地に本格的な造船所をアレンジしている。第1船は、2万3,500DWT型バルカーである。当造船所は、4万DWT級までの船が建造可能で、船台の規模は長さ200m、幅34mである。今後バナマックスまで建造可能な第2船台の建設も検討しており、これが実現すれば、東南アジア地域でも最大級の新造船所が出現することになる。また能力6,000DWTのフローティングドックを2基所有しており、これにより、ほとんどのフィリピン国内航船の修理が可能である。さらに、アルミ船建造工場と資材搬入のための岸壁も建設中である。

注：JETROシンガポール事務所 ASIA MARINE NEWS No.10 “フィリピン造船業の最近の動き”より

これら先進造船所の技術指導を受けている造船所では、先に述べた品質管理の基本要件は確実に実行されていると思われるが、MARINAは船舶検査を通じてその他の造船所の品質管理体制の確立・向上を図らねばならない。

3-4-14 船舶検査実施上の問題点

今回の調査から、フィリピン国における船舶検査実施上、次の問題点が指摘される。

(1) 海事関連法規・規則の整備が緊急課題

未批准となっている海事関連国際条約の早期批准に向けた体制作りが望まれる。そのうえで、国内海事関連法規・規則の整備を行うとともに、検査要領、検査書式、検査のためのチェックリスト等船舶検査を漏れなく、かつ統一的に行う体制作りが必要となる。

(2) 船体強度・復原性評価の手順確立

中古カーフェリーを買船し、改造したうえで乗客定員を大幅に増加して島嶼間旅客輸送に従事させる事例が多くあるが、改造にかかる船体強度・復原性に関する図面承認を迅速に行うための手順が必要である。

(3) 船舶検査関連統計資料の整備

船舶検査の実施記録、証書発行記録等、一部実施されているが、検査の内容、発見された欠陥の記録がないなど、資料の有効活用が不十分である。コンピュータ・システムを利用した、検査記録のデータベース構築が必要となる。

(4) MARINA検査官の検査技術向上を目的とする教育カリキュラムの整備

造船関連企業が成熟しておらず、新造船建造に携わる機会も極めて少なく、また、外航船の修繕ドック検査も一部限られた造船所を管轄する地方局に限られている。視聴覚機材を利用し、外航船の修繕ドックにおいて計画的OJTを行う等を盛り込んだ教育カリキュラムの整備が必要である。

(5) 国際安全管理コードについての認識不足

SOLAS 95改正で、新しく適用されることになった国際安全管理コード (ISM Code) に基づく、船舶管理会社の審査手順の確立が急がれている。

(6) 造船、修繕用材料、溶接材料、溶接工技量の承認制度の整備

造船所の品質管理体制が確立してない現在、材料試験設備を用いた材料等の承認制度の

確立が必要である。

(7) 造船所における作業・検査環境の安全確保

造船所に安全管理能力及び意識が欠如している現在、MARINA検査官自身で検査環境の安全確認を行わねばならない。

(8) 造船所の行う工事の精度の向上

造船所の品質管理と関連するが、MARINA検査官自身、精度管理の重要性の理解、標準計測器具等の知識が必要である。

(9) 安全設備関連の事業所承認制度の整備

造船関連産業の育っていないフィリピン国では、人命の安全にかかわる救命・消防設備、船舶無線設備（GMDSSを含む）等、法定安全設備の整備関連事業所の承認制度がなく、MARINA検査官自身も安全設備の内容を十分理解していない。

3-5 MARINAにおける船舶検査体制の強化計画

MARINAでは、現在SRLOが中心となって、船舶検査体制の改善・向上策を模索中であり、その骨子は次のとおりである。

- ① PMMRRの全面改正、整備を行う（既に検査の手順等を盛り込んだ1997年改正案は用意されている）。
- ② 首都圏管轄事務所を開設する。
- ③ 船舶検査官を16名増員する。
- ④ 研修センターを開設する。
- ⑤ 検査官教育・研修カリキュラムを確立する。
- ⑥ MARINA独自の研修用教官を育成する。
- ⑦ MARINA所属の検査に従事する職員を対象とした研修を継続的・恒久的に行う。

3-6 日本の他の協力との関係

(1) 海外経済協力基金（OECF）による対フィリピン国門借款の特徴

以前は、一国の対外収支が危機的な状況にあるときに供与される緊急避難的な借款である商品借款とリスケジュール（債務救済、債務の繰延）が多かったが、近年はフィリピン経済も好調であり、商品借款は1992年9月、リスケジュールは1993年3月を最後に以後実績はなく、プロジェクト型が主流を占めている。

プロジェクト型の特徴としては、全国型・複数サイト型の案件が多い。セクター別では電力と運輸（道路）が多く、通信や農林水産は比較的少ない。特に通信はフィリピン国政府の民営化の政策のもと、今後とも新規借款は期待しにくい。

(2) 海外経済協力基金 (OECE) による対フィリピン国門借款の実績

1971年に第1次門借款を供与以来、ほぼ毎年供与されてきており、最近では1996年11月に第21次借款が締結された。第21次借款までの累計額は1兆4,516億9,500万円で、インドネシア、中国、タイ、インドに次ぐ第5位の額であり、これは対アフリカ門借款総額（34か国）よりもかなり多い。

本プロジェクトとは直接関係はないが、最近の海事関係の実績としては、第20次借款の「海上安全整備事業（Ⅱ）」で55億7,900万円の供与が決定した。

さらに、フィリピン開発銀行とOECEとの間で、Two-Step Loansにより「Domestic Shipping Modernization Program」が実施されている。

また新規要請として、第22次借款は第1次要請及び第2次要請（予定）を合わせて合計28案件、総額2,900億円の要請があり、海事関係では「Global Maritime Distress Safety System」で1億1,700万ペソ（5億8,500万円、1ペソ＝5円）及び「Domestic Shipping Modernization Program Ⅱ」で5億ペソ（25億円、1ペソ＝5円）がある。

3-7 第三国及び国際機関との関係

MARINAに対しては、USAIDが1994年から1995年までの1年間、1名の専門家を派遣し、The Development of a Vessel Safety Inspection System (VSIS、船舶安全検査体制開発)の協力を実施した。

VSISは、基本的に以下の3つの目的を持っている。

- ① MARINAに、各島間で運航中の商業船舶の耐航性を保証する責任、つまり緊急時等にも良く訓練された有能な乗組員により運航されている船舶であると保証する責任を持たせる。
- ② MARINAが、フィリピン国籍船舶は、フィリピン国が批准したすべての海上安全にかかる国際条約に適合している船舶であると、保証する能力を持つことができるようにする。
- ③ MARINAが、海事に関する安全の情報を提供できるようにする。

本協力は、機材供与、研修員受け入れを含めたものではなく、MARINAの検査体制の向上には十分な寄与を果たしていない模様である。

4. 要請内容の確認

4-1 フィリピン大学との関係

フィリピン大学 (UP) 部分については、一つのプロジェクトにおいて複数の実施機関が混在することのプロジェクト実施上の困難さと、UPの本プロジェクトに対する積極的姿勢が見受けられないことから、海事産業庁 (MARINA) との協議のうえ、本プロジェクトからUP部分を切り離した形で進めていくこととなった。

しかしながら、前述のとおり要請が国家経済開発庁 (NEDA) によりエンドースされていないことから、正式には右の動向をみる必要がある。

4-2 要請内容の確認

本プロジェクトは「船舶検査制度の改善」と「船舶検査実施のための技術向上」を目的とし、MARINAにおける検査情報のデータベース化、研修実施体制の整備等を内容とするものである (付属資料3参照)。

現時点での要請内容は、おおむね以下のとおりである。

(1) 専門家派遣

長期 2名×3年 (船舶検査制度指導、船舶検査技術指導)

短期 各年3名 (期間は2～5か月程度)

(船体検査=図面承認を含む、機関検査、設備検査)

(2) 研修員受入

各年2名 (期間は1か月程度を想定)

(3) 機材供与

- ① 非破壊検査機器
- ② 計測器
- ③ 作業環境測定機器
- ④ 視聴覚機器等

(4) 協力期間：3年間

4-3 PDM作成に向けた要請内容の整理

(1) プロジェクトの目標

海上における安全を確保するための重要な要素としての船舶の安全性を向上するために、

- ① 船舶検査制度の改善
- ② 船舶検査実施のための技術向上を図る。

(2) プロジェクトの成果

- ① 技術の進歩とともに変化する安全基準を適時に導入できる体制の確立
- ② 船舶検査判定基準の適正な運用による検査の実効性の向上
(特に、図面承認技術の導入により、船体強度解析技術、復原性評価技術が向上し、中古改造旅客船への対応に活用できる)
- ③ 検査情報のデータベース整備及び検査体制向上への活用
- ④ 船舶検査官の養成及び技術維持のための研修制度の確立
- ⑤ 船舶検査官職位の確立

(3) プロジェクトの活動

上記の目標を達成するために以下の活動を行う。

1) 船舶検査制度の改善

- ① 海上安全にかかる国際条約に準拠した安全基準の国内採り入れ
- ② 船舶検査における判定基準の整備
- ③ 本部と地方局の連携強化 (検査情報のデータベース化)
- ④ 検査実績の分析による検査体制向上へのフィードバック

なお、プロジェクト終了後には、MARINA自身が上記活動を実施できるようにする。

2) 船舶検査実施のための技術向上

- ① MARINA本部及び拠点となる地方局の教官数名 (3~4名を想定) の研修実施技術の向上
- ② MARINA本部及び地方局の上席検査官約30名の技術向上
(マニラを含めた3拠点において研修を実施する。日本からの短期専門家派遣時に3拠点において順次研修を行う)

なお、プロジェクト終了後は、教官及び上席検査官により全検査官への研修を継続していく (MARINAの人員、予算により実施)。

4-4 プロジェクトの実施体制

(1) プロジェクト実施の組織

本プロジェクトが実施される場合、MARINAは、プロジェクトの監理と実施全般に責任ある者を1名（MARINA長官を想定）、プロジェクトの運営と技術的事項に責任ある者を1名（担当部長を想定）割当てることとする。また、プロジェクトの効率性と順調な実施のための技術協力を確保するための合同調整委員会（Joint Coordinating Committee）を設置するものとする。

合同調整委員会は、JICA専門家チームとMARINA長官との間に設置し、JICA専門家チームの直接の担当部局となるのは、MARINAの中のShip Registration and Licencing Office (SRLO) とEnforcement Office (EO) である（SRLOは正式名称であるが、MARINA内部においてはMSO (Maritime Safety Office) と呼ばれることもある）。

(2) カウンターパートの配置計画

MARINAは、SRLOプロジェクト実施後、すべての船舶の検査を行い、船舶検査証書を発給する組織（MARINAにおいて責任を有する組織であると説明した）。

SRLOの部長がJICA専門家の主要なカウンターパートとなる。SRLOの部長は、プロジェクトの完了までの間、彼の代理となる3名のスタッフを任命する。また、もし必要であれば、MARINAはフルタイムのワーキング・プロジェクトマネージャーを任命することもできる。

(3) プロジェクトにかかる予算措置

MARINAは、1998年度予算において本プロジェクトのために約400万ペソの予算要求を行っている。本プロジェクトが1997年から実施されることになれば、必要な予算を下半期に補正予算の形で手当てすることは可能である。

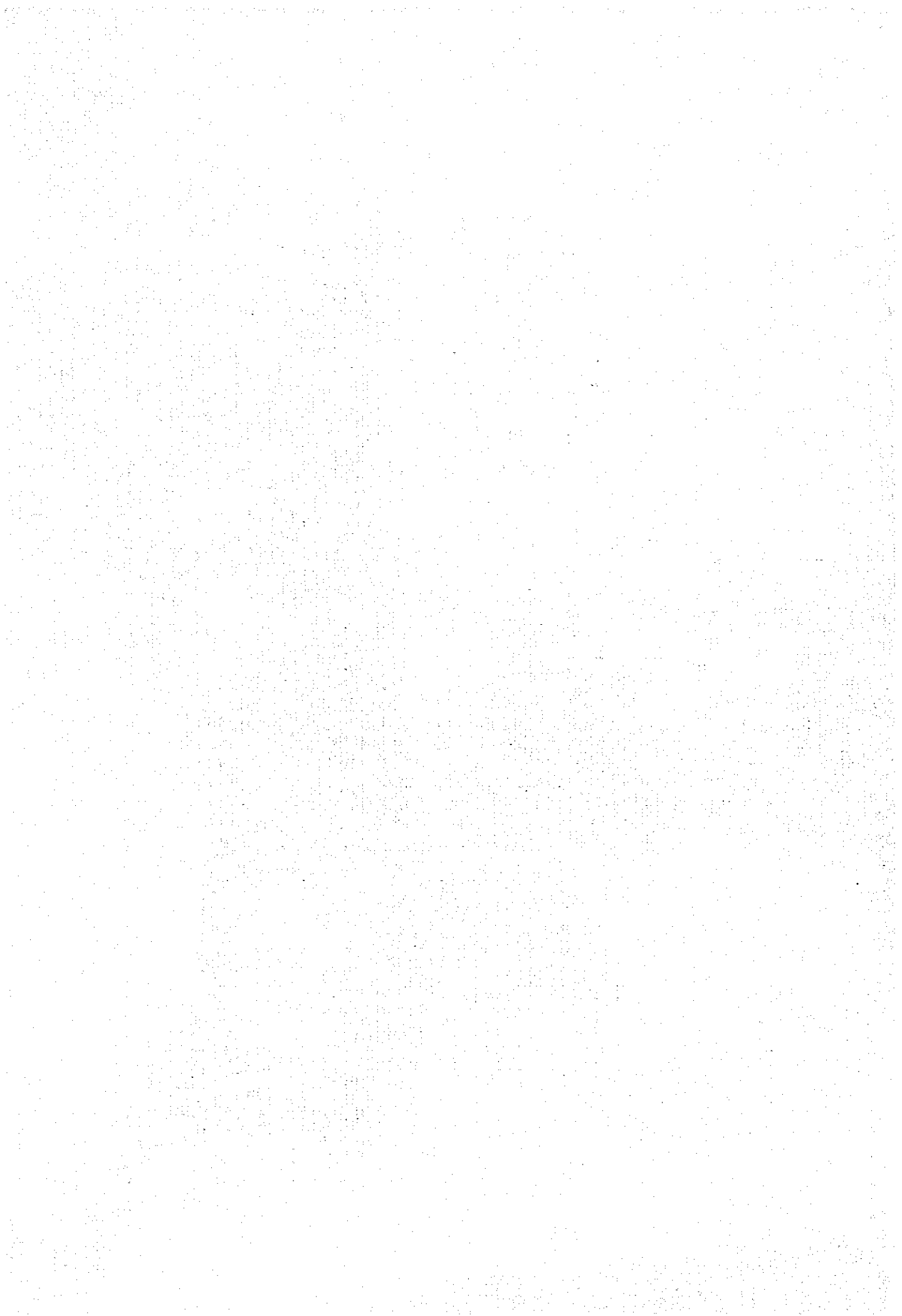
(4) プロジェクトの持続性

調査団は、プロジェクト期間後の持続性が重要であることを指摘し、MARINAに対し、プロジェクトに必要な予算、組織、人員、スペースを確保するよう求めた。

MARINAは、持続的な研修活動のための組織（Office）を設置し、必要なスペースを確保することを約束した。また、一般の予算に加えてプロジェクト実施に必要な予算を獲得することを約束した。

付 属 資 料

1. ミニッツ
2. MARINA回答 (抜粋)
3. 事前調査を通じて確認した要請内容
4. Executive Order No.125
5. Executive Order No.125-A
6. 大統領令 No.474



THE MINUTES OF DISCUSSIONS
BETWEEN
THE JAPANESE PRELIMINARY STUDY TEAM
AND
THE AUTHORITIES CONCERNED
OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES
ON THE JAPANESE TECHNICAL COOPERATION
FOR
THE PROMOTION OF SHIP INSPECTION SYSTEM AND TECHNIQUE PROJECT

The Japanese Preliminary Study Team (hereinafter referred to as "the Team") organized by the Japan International Cooperation Agency (hereinafter referred to as "JICA") and headed by Mr. Seiji SAEKI visited the Republic of the Philippines from March 19th to March 26th, 1997 for the purpose of clarifying the background and objectives of the request and also studying feasibility of Japanese assistance through discussions with the Philippine authorities concerned for the Promotion of Ship Inspection System and Technique Project (hereinafter referred to as "the Project").

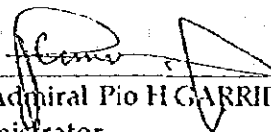
During its stay, the Team had exchanged views and had a series of discussions with the Philippine authorities concerned with respect to the implementation of the Project.

As a result of the discussions, the Team and Maritime Industry Authority (hereinafter referred to as "MARINA") agree to report to their respective Governments as attached hereto.

Manila , Mar. 25th , 1997

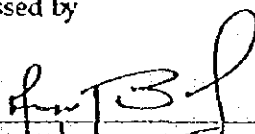
佐伯 誠治

Mr. Seiji SAEKI
Leader
Preliminary Study Team
Japan International Cooperation Agency
Japan



Rear Admiral Pio H. GARRIDO Jr AFP(Ret)
Administrator
Maritime Industry Authority
The Republic of the Philippines

witnessed by



Mr. Amadeo V. BAUSTISTA, Jr
Director
Maritime Industry Authority
The Republic of the Philippines

THE ATTACHED DOCUMENT

1. Official request by NEDA

The Team pointed out that NEDA had received a proposal of the Project from MARINA but had not endorsed it yet.

The Team required MARINA to take necessary actions so that NEDA can evaluate official proposal of the Project at the earliest opportunity based on the findings of the Study.

2. Organization in charge of ship inspection

Responding to the question by the Team, MARINA answered that MARINA is the only organization in charge of ship inspection in the Republic of the Philippines at present.

3. Consideration by the Japanese Government

The Team stated that the decision of accepting the proposal of the Project or not would be determined by the Japanese Government considering the findings of the Study reported by the Team after their return to Japan and that the Philippine Government would be informed of the result in due course.

4. Scope of the Project

The Team and MARINA reviewed the original proposal by MARINA focusing the important and urgent matters, that is, the ship inspection (MARINA) portion.

The revised scope of the Project is shown in ANNEX I.

MARINA stated their view that dispatch of one (1) additional short-term expert (Audio-Visual Specialist) would be necessary for the effective training and technical transfer to all ship inspectors of MARINA.

5. Administration of the Project

(1) Organization

An organization chart for the Project is shown in Annex II.

If the Project is implemented, MARINA will assign a person who will be the overall responsible for the administration and implementation of the Project and a person who will be responsible for the managerial and technical matters of the Project and will establish a Joint Coordinating Committee to ensure technical cooperation for the effectiveness and successful implementation of the Project.

(2) Assignment of counterparts

MARINA explained that the Ship Registration and Licensing Office (SRLO), the office conducting the technical inspection of all vessels and issuing the Certificate of Inspection, shall be the responsible office in MARINA after the implementation of the Project. The SRLO director shall be the principal local counterpart of JICA expert to be assigned in the Project. The SRLO director shall however assign three (3) responsible and seasoned staff to act as his alternates in case of his absences for continuity until the completion of the Project. MARINA will assign full time working project manager, if required.

(3) Budget allocation plan

MARINA explained their budget allocation plan as shown in ANNEX III.

6. Sustainability of the Project

The team pointed out the importance of the sustainability after the Project period and requested MARINA to secure the necessary budget, organization, personnel and space for the Project.

MARINA promised to establish an office and space for the sustainable training activity and to acquire necessary local budget for the implementation of the project in addition to the general budget of MARINA.




Scope of the Project

1. The purpose of the Project

- .1 To improve a ship inspection administration system
- .2 To improve ship inspection technique of ship inspectors of MARINA

2. Outputs

The Project will allow MARINA to:

- .1 Upgrade existing ship inspection administration system
- .2 Establish training courses for ship inspectors
- .3 Continue ship inspection training using their own resources after the Project

3. Activity

- .1 To upgrade existing ship inspection administration (including review of regulations and policies)
- .2 To train MARINA head office counterparts as trainers
- .3 To conduct trainers training in three MARINA regional offices (Manila, Cagayan de Oro and Cebu) with the assistance of JICA short-term experts
- .4 To conduct training for all ship inspectors on ship inspection using their own resources (manpower and budget) after the Project.

4. Cooperation requested by MARINA

- .1 Dispatch of two (2) long-term Japanese experts on the following field:
 - Ship Inspection Administration
 - Practical Ship Inspection
- .2 Dispatch of three (3) short term Japanese experts every year for the smooth implementation of the Project
- .3 Acceptance of two (2) trainers to be trained in Japan every year for the supplementary technical transfer.
- .4 Procurement of the equipment as listed below for the activity of the Project.

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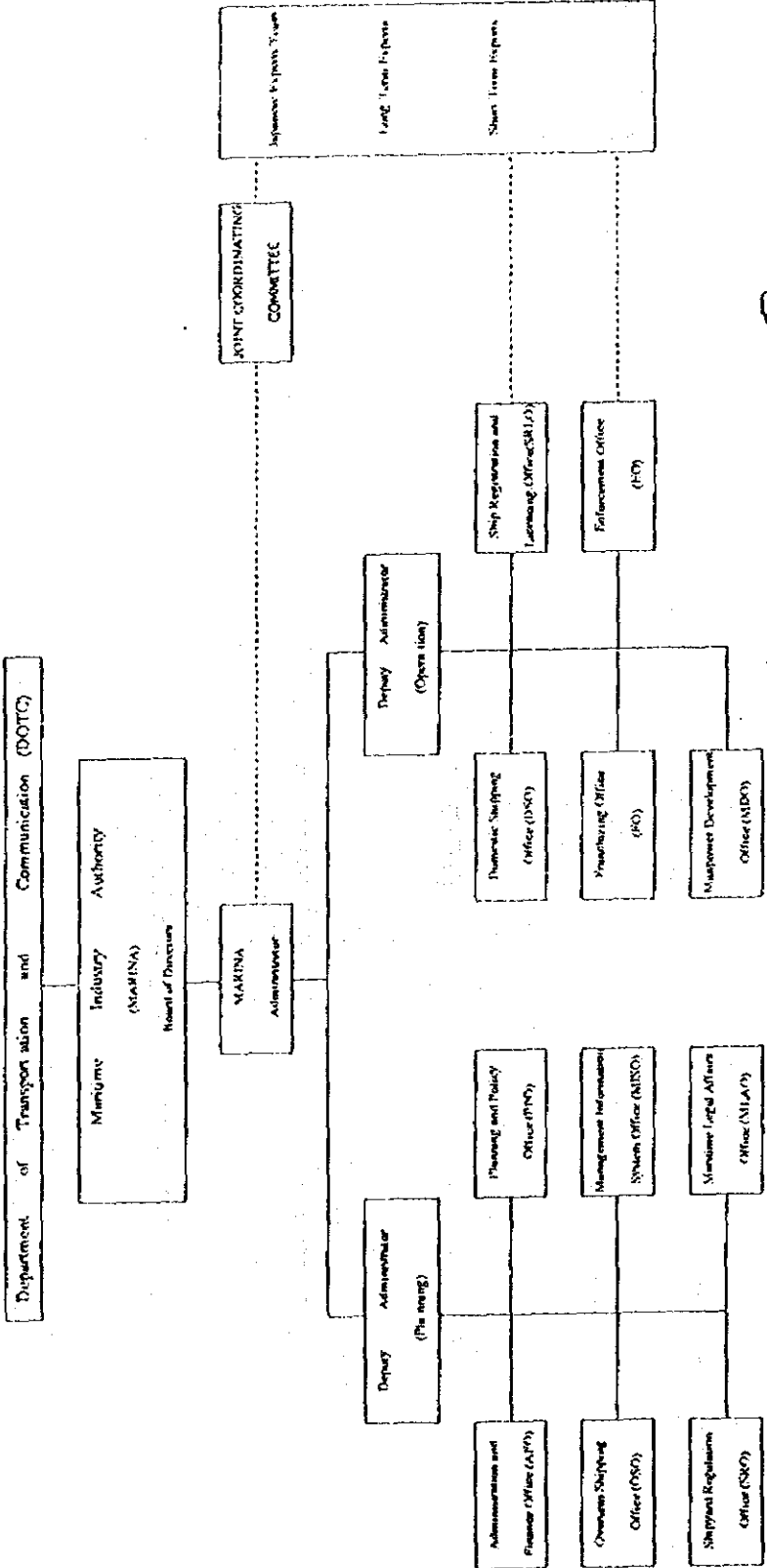
- Non-Destructive inspection equipment
- Measuring equipment
- Environment testing equipment
- Audio-Visual teaching equipment
- Other necessary equipment

Details are to be determined by the future discussion between both sides.

- .5 The duration of the Project will be three (3) years.

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PROPOSED BUDGET

I	Offices & Staff of Training Center		
	1. Training Director/JICA Counterpart	• P	284,315.86
	2. Assistant Training Director	•	273,710.86
	3. Secretary	•	108,230.44
	4. Program Coordinator	•	263,515.92
	5. Trainer	•	344,271.38
	6. Clerks (2)	•	88,434.44
	7. Testing Machine Operator	•	101,711.90
	8. Audio-Visual Technician	•	101,711.90
	9. Utility	•	76,415.49
	Sub - Total	•	P1,542,318.00
II	Rental = P84,000/mo. x 12 mo.		P1,800,000.00
III	Water & Electricity = P10,000/mo x 12 mo.		120,000.00
IV	Travelling expenses for 30 participants	•	144,600.00
	1. Training sites: Manila, Cebu, CDO		
	2. Frequency: Two (2) wks/yr./site		
	3. Duration: Two weeks/batch/yr.		
	4. Allocation of participants (group 1,2 & 3)		
V	Maintenance (Facilities/Equipment)		50,000.00
VI	Training Expenses		32,000.00
VII	Supplies and materials		100,000.00
VIII	Communication		50,000.00
IX	Other services		50,000.00
	Sub - Total	•	<u>2,346,600.00</u>
	GRAND TOTAL	•	<u>P3,888,918.00</u>

NOTE: MARINA is proposing the above budget for 1998 for the Project, in as much as the budget for 1997 was already approved and being implemented. However, if there is still a need for supplemental budget, MARINA can request the Department of Budget Management by the second half of 1997.

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[Signature]

LIST OF PARTICIPANTS

Japanese Side

The Japanese Preliminary Study Team

Mr. Seiji SAEKI	Leader (Ministry of Transport)
Mr. Tetsuro MURAYAMA	Member (Ministry of Transport)
Mr. Yasuzo SAKAMOTO	Member (Overseas Shipbuilding Cooperation Center)
Mr. Yusuke MURAKAMI	Member (JICA Headquarter)

Japanese Expert

Mr. Yujiro SHIOZAKI	MARINA
---------------------	--------

Philippine Side

Amadeo V. Bautista, Jr.	-- MSO, MARINA
Buenavido Ortiz	-- MSO, MARINA
Jose J. Teano	-- MSO, MARINA
Benjamin "Nonoy" Fontanillas	-- MSO, MARINA
Ramon C. Hernandez	-- OSO, MARINA
Adoraclon U. Castillo	-- MDO, MARINA
Corazon T. Duque	-- MDO, MARINA
Edna P. dela Cruz	-- SRO, MARINA
Margarita E. Casios	-- SRO, MARINA
Della Lorenzo	-- PPO, MARINA
Beth Encarnacion	-- PPO, MARINA
Jacinto V. Lozo	-- MSO, MARINA
Nucama F. Tandoc	-- MDO, MARINA
Aida Q. Sauggalang	-- SRO, MARINA
Jinky B. Gayacao	-- MSO, MARINA

付属資料 2. MARINA回答 (抜粋)

① プロジェクトの概要

- | | |
|---|--|
| 1. Title of the Project | PROMOTION OF SHIP INSPECTION SYSTEM & TECHNIQUE |
| 2. Implementing Organization | Maritime Industry Authority (MARINA) |
| 3. Objectives of the Project | <ul style="list-style-type: none"> * To develop a ship inspection administration system; * To train ship inspectors, engineers and supervisors to acquire the new techniques for on-board inspection, marine pollution prevention, inspection of ships being built, to include equipment/machinery and materials. |
| 4. Effectiveness of the project | <p>Project will allow MARINA to:</p> <ul style="list-style-type: none"> - upgrade existing ship inspection administration; - establish training course for ship inspectors; - continue ship inspection training using own resources |
| 5. Outline of the activities | <ul style="list-style-type: none"> * To upgrade ship inspection administration (to include regulations and policies and to acquire inspection facilities); * To train MARINA head office counterparts as trainers; * To conduct of technical/trainors training in three (3) MARINA Regional Offices (Manila, CDO and Cebu) with the assistance of JICA experts; * To conduct training for all ship inspectors on ship inspection using own resources (manpower/budget). |
| 6. Expected assistance from Japanese Gov't. | <p>A. Expected JICA Experts:</p> <ul style="list-style-type: none"> - Two (2) Long term JICA Experts (one each for: Ship Inspection Administration and Practical Ship Inspection) - Four (4) Short term JICA Experts per year <p>B. Training in Japan:</p> <ul style="list-style-type: none"> - Directors/Chiefs ----- 2 persons/yr x 3 yrs. = 6 persons - Engineers/Inspectors ----- 3 persons/yr x 3 yrs. = 9 persons <li style="padding-left: 100px;">Total = 15 pers. <p>C. Required Equipment:</p> <p>Material testing machines, non-destructive testing machines, Measurement devices, Computer system, Inspection objects (engine, shaft, propeller, etc.), Audio-Visual Equipment</p> |
| 7. Duration of the project | Three (3) years |

② プロジェクト実施期間中の研修計画案

PHASE II

Title of Training	Trainer's Training of MARINA Central and Regional Offices
Objective	To be able to train MARINA Inspectors to act as Trainers in the field of ship inspection.
Lecturers/Trainers	<p>JICA Long term experts</p> <p>(1) Ship Inspection Administration</p> <p>(1) Practical Ship Inspection</p> <p>JICA Short term experts/year</p> <p>(1) Plans Approval</p> <p>(1) Machinery Inspection</p> <p>(1) Facilities (Safety Equipment) Inspection</p> <p>(1) Audio-visual Specialist</p> <p>Trained MARINA Trainers*</p> <p>* JICA Long term and Short term experts to handle training, assisted by MARINA experts</p> <p>Specialist in the field of Training Methodology</p>
Participants	Ship Inspectors from MARINA central and regional offices (approximately 30 inspectors)
Training Contents	<p>A. Ship Inspection Administration (to include relevant international conventions/regulations/codes)</p> <p>B. Evaluation of Vessel Plans/Documents (to include use of computers in evaluation)</p> <p>C. Hull Inspection Procedure and Judgement (lecture and OJT)</p> <p>D. Machinery Inspection Procedure and Judgement (lecture & OJT)</p> <p>E. Facilities (electricity, life saving, fire fighting, etc.) inspection procedure and judgement (lecture and OJT)</p> <p>F. Training Methodology and Audio-visual Preparation and Presentation</p>
Training Site	<p>Training center or at following MARINA offices and/or shipyards/piers:</p> <ul style="list-style-type: none"> - Manila (for Manila, Batangas, Palawan and La Union Offices) - Cebu (for Ilo-ilo, Cebu, Tacloban, Legazpi Offices) - Cagayan de Oro (for Cagayan de Oro, Davao, Cotabato, Zamboanga Offices)

Schedule

Two (2) weeks (10 days)/year/place

First Year:

- A. Ship Inspection Administration (3 days)**
- B. Hull Inspection Procedure and Judgement (7 days)**

Second Year:

- A. Evaluation of Vessel Plans/Documents (4 days)**
- B. Machinery Inspection Procedure and Judgement (6 days)**

Third Year:

- A. Facilities Inspection and Judgement (6 days)**
- B. Training Methodology and Audio-visual Preparation and Presentation (4 days)**

③ プロジェクト実施期間中のMARINA予算案

PROPOSED BUDGET FOR PHASE II

PHASE II

I.	Offices & Staff of Training Center		
	1. Training Director/JICA Counterpart	-	P 284,315.86
	2. Assistant Training Director	-	273,710.86
	3. Secretary	-	108,230.44
	4. Program Coordinator	-	263,515.92
	5. Trainor	-	344,271.38
	6. Clerks (2)	-	88,434.44
	7. Testing Machine Operator	-	101,711.90
	8. Audio-Visual Technician	-	101,711.90
	9. Utility	-	76,415.49
	Sub - Total	-	P1,542,318.00
II.	Rental = P84,000/mo. x 12 mo.		P1,800,000.00
III.	Water & Electricity = P10,000/mo x 12 mo.		120,000.00
IV.	Travelling expenses for 30 participants	-	144,600.00
	1. Training sites: Manila, Cebu, CDO		
	2. Frequency: Two (2) wks/yr./site		
	3. Duration: Two weeks/batch/yr.		
	4. Allocation of participants (group 1,2 & 3)		
V.	Maintenance (Facilities/Equipment)		50,000.00
VI.	Training Expenses		32,000.00
VII.	Supplies and materials		100,000.00
VIII.	Communication		50,000.00
IX.	Other services		50,000.00
	Sub - Total	-	2,346,600.00
	GRAND TOTAL	-	P3,888,918.00

④ プロジェクト実施期間後の研修計画案

PHASE III

Title of Training	MARINA Ship Inspectors Training Course
Objective	To be able to train MARINA Inspectors in the field of ship inspection.
Lecturers/Trainers	Trained MARINA Trainers
Participants	Ship Inspectors from MARINA central and regional offices
Training Contents	A. National and International Laws/Rules/Issuances (to include conventions/regulations/codes) B. Evaluation of Vessel Plans/Documents (to include use of computers in evaluation) C. Hull Inspection Procedure and Judgement (lecture and OJT) D. Machinery Inspection Procedure and Judgement (lecture & OJT) E. Facilities (electricity, life saving, fire fighting, etc.) inspection procedure and judgement (lecture and OJT)
Training Site	Training center or at following MARINA offices and/or shipyards/piers: - Manila (for Manila, Batangas, Palawan and La Union Offices)(approx. 20 inspectors) - Cebu (for Ilo-ilo, Cebu, Tacloban, Legazpi Offices)(approx. 20 inspectors) - Cagayan de Oro (for Cagayan de Oro, Davao, Cotabato, Zamboanga Offices)(approx. 20 inspectors)
Schedule	Three (3) Sessions 10 days each/year/group (2 groups/year) First Session: A. National and International Laws/Rules/Issuances (to include conventions/regulations/codes) (3 days) B. Hull Inspection Procedure and Judgement (7 days) Second Session: A. Evaluation of Vessel Plans/Documents (4 days) B. Machinery Inspection Procedure and Judgement (6 days) Third Session: A. Facilities Inspection and Judgement (6 days) B. Port State Procedures (4 days)

⑤ プロジェクト実施期間後のMARINA予算案

PHASE III

I.	Offices & Staff of Training Center		
	1. Training Director/JICA Counterpart	- P	284,315.86
	2. Assistant Training Director	-	273,710.86
	3. Secretary	-	108,230.44
	4. Program Coordinator	-	263,515.92
	5. Trainor	-	344,271.38
	6. Clerks (2)	-	88,434.44
	7. Testing Machine Operator	-	101,711.90 ^e
	8. Audio-Visual Technician	-	101,711.90
	9. Utility	-	76,415.49
	Sub - Total	-	P1,542,318.00
II.	Rental = P84,000/mo. x 12 mo.		P1,800,000.00
III.	Water & Electricity = P10,000/mo x 12 mo.		120,000.00
IV.	Travelling expenses for 55 participants	-	445,500.00
	1. Training site: Manila		
	2. Frequency: Three/yr./site (3 group/yr/site)		
	3. Duration: Six weeks/group/yr.		
	4. Allocation of participants (group 1 & 3 = 20 participants each and group 2 = 15 participants)		
V.	Maintenance (Facilities/Equipment)		50,000.00
VI.	Training Expenses		60,000.00
VII.	Supplies and materials		184,000.00
VIII.	Communication		50,000.00
IX.	Other services		92,000.00
	Sub - Total	-	<u>2,801,600.00</u>
	GRAND TOTAL	-	<u>P4,343,918.00</u>

⑥ 研修コースの概要

COURSE OUTLINE

First Session:

- A. National and International Laws/Rules/Issuances (to include conventions/regulations/codes) (3 days)
- B. Hull Inspection Procedure and Judgement (7 days)

Second Session:

- A. Evaluation of Vessel Plans/Documents (4 days)
- B. Machinery Inspection Procedure and Judgement (6 days)

Third Session:

- A. Facilities Inspection and Judgement (6 days)
- B. Port State Procedures

⑦ 船舶検査体制の現状

III. PRESENT CONDITION OF SHIP INSPECTION

1) Legal basis for MARINA to conduct ship inspection.

Presidential Decree No. 474 (dated 01 June 1974)

Provides for the reorganization of maritime functions in the Philippines, creating the Maritime Industry Authority, and for other purposes.

Section 4 of this PD gave the MARINA, among other functions, general jurisdiction and control over all persons, corporations, firms or entities in the maritime industry of the Philippines and shall supervise, regulate in accordance with this decree.

Letter of Instruction No. 208 (dated 12 August 1974)

Mandates that "... there shall be coordination between the Philippine Coast Guard and the Maritime Industry Authority in the exercise of supervision and regulation of the operations of water transport utilities, and likewise the Maritime Industry Authority shall assist in the performance of the Coast Guard's functions especially in the classification and inspection of vessels."

Executive Order No. 125/125-A (dated 13 April 1987)

Section 12 of this EO gave the MARINA, among other functions, the authority to undertake the safety regulatory functions pertaining to vessel construction and operation including the determination of manning levels and issuance of certificates of competency to seamen and to register vessels as well as issue certificates, licenses or document necessary or incident thereto.

Philippine Merchant Marine Rules and Regulations (PMMRR)

The purpose of these Rules and Regulations is to ensure that all vessels of the Republic of the Philippines are so designed, constructed, maintained, operated and inspected as to attain the highest standards of safety of life and property at sea. The PMMRR took effect last 01 January 1975.

FUNCTIONAL STATEMENTS of Offices connected with this project.

SHIP REGULATION AND LICENSING OFFICE

General Functions:

Conducts vessel inspection/survey relative to safety and total quality of shipping services.

Maritime Operations and Safety Division

1. Undertakes technical evaluation of vessels for local construction;
2. Conducts periodic inspection and evaluates standards of Philippine flag vessels relative to seaworthiness and recommends such rules, regulations and specifications as may be necessary involving application for CPCs, PAs, SPs and others;
3. Conducts technical evaluation prior to the issuance of Safety of Life at Sea Certificate (SOLAS) to Philippine/Overseas trading vessels;
4. Issues Certificate of Inspection (CI) to Philippine-registered vessels pursuant to the existing Philippine merchant marine laws, rules and regulations;
5. Administers the admeasurement (including tonnage measurement), checks stability of the vessels and implements the SOLAS involving construction, conversion and major alterations of vessels;
6. Checks and administers the loadline of the vessel (including the free board allowance);
7. Implements the Revised Philippine Merchant Marine Rules and Regulations; and
8. Performs such other functions as may be assigned by the higher authorities.

Ship Registration and Licensing Division

1. Formulates and recommends the adoption rules and regulations relating to the registration and documentation of all types of vessels owned by Philippine nationals, including the issuance of Certificates or other documents incident to such registration and documentation;
2. Prepares rules and regulations, procedures and measures necessary for the efficient and effective administration on the issuance of a Certificate of Philippine Registry upon presentation of documents required for submission;

3. Approves and issues a Permanent and/or Temporary Certificate of Philippine Registry for vessels; and
4. Performs such other functions as may be assigned by higher authorities.

ENFORCEMENT OFFICE

General Functions

1. Enforces relevant national and international laws, rules and regulations, memorandum circulars, orders, decisions, rulings, including penalties for violations thereof (by conducting ship inspection), governing shipbuilding/shiprepair, the water transport services (domestic and overseas) including the manning and safety aspects, and protection of the marine environment;
2. Coordinates with relevant MARINA units and other law enforcement agencies in the formulation of policies, criteria, guidelines and standards in the regulation of shipbuilding/shiprepair and the water transport services (domestic and overseas) including the manning and safety aspects, and protection of the marine environment;
3. Reviews/assesses existing policies governing the four (4) sectors of the maritime industry, in close coordination with the concerned MARINA units, and to enforce the same in consultation with other law enforcement agencies for the effective discharge of all the functions;
4. Conducts investigation of maritime accidents/incidents and complaints; and
5. Performs such other functions as may be provided by law.

Operation Monitoring Division

1. Undertakes monitoring of compliance with terms and conditions of CPCs, PAs, SPs, bareboat charter approvals, authority to import and other MARINA issuances, including penalties for violations thereof governing the four (4) maritime sectors, viz, domestic shipping, overseas shipping, shipbuilding/shiprepair/shipbreaking, and maritime manpower;

2. Undertakes monitoring of compliance with relevant national and international laws, rules and regulations, decisions/rulings and policies for the public convenience, vessel safety and protection of the marine environment; and
3. Performs such other related functions and/or duties as may be assigned by higher authorities.

Complaints and Investigation Division

1. Conducts preliminary inquiry (fact-finding) on complaints and maritime incidents/ accidents aimed at determining whether marine laws, rules and regulations and issuances are violated involving the four (4) maritime sectors, viz., domestic shipping, overseas shipping, shipbuilding/ shiprepair/ shipbreaking, and maritime manpower;
2. Undertakes maritime emergency response and coordinates with all concerned government agencies;
3. Prepares reports on the results of the preliminary inquiry and/or recommendations thereon for the consideration of Management/ higher authorities thru MLAG/FO; and
4. Performs such other related functions and/or duties as may be assigned by higher authorities.

⑧ MARINA職員数の現状

2) Personnel Profile per Office.

CENTRAL OFFICE	PLANTILLA	FILLED-UP	POG CIV. PERS. TRANS TO MARINA	PERS. DOMOVES INSP.
Office of the Administrator	15	15	0	0
Maritime Legal Affairs Office	10	8	0	0
Administrative and Finance Office	49	47	0	0
Planning and Policy Office	14	13	0	0
Management Information Systems Office	20	16	0	0
Manpower Development Office	31	28	6	0
Shipping Regulation and Licensing Office	26	19	5	18
Domestic Shipping Office	24	18	0	0
Overseas Shipping Office	19	17	0	0
Shipyards Regulation Office	16	15	3	0
Franchising Office	18	15	0	0
Enforcement Office	18	14	5	15
TOTAL	260	225	19	33
REGIONAL OFFICES				
Batangas Maritime Regional Office	17	16	0	4
Legaspi Maritime Regional Office	11	10	1	3
Iloilo Maritime Regional Office	20	15	3	3
Cebu Maritime Regional Office	27	24	8	8
Tacloban Maritime Regional Office	11	11	1	4
Zamboanga Maritime Regional Office	33	27	2	4
Cagayan de Oro Maritime Regional Office	19	17	0	4
Davao Maritime Regional Office	20	18	3	5
Colabato Maritime Regional Office	11	10	0	2
TOTAL	169	148	18	37
CONTRACTUAL				
LMRO	6		6	
TMRO	7		4	
COTMRO	8		4	
KEY POSITIONS			Number	
Chairman (Ex-Officio)			1	
Member (Ex-Officio)			6	
Executive Director IV			1	
Deputy Executive Director IV			2	
Director II			20	
Chief of Division or Equivalent			25	
Technical			177	
Support to Technical			28	
Administrative			170	
TOTAL			430	

⑨ 船舶検査官の増強計画

V MARINA's plan for expanding the organization and personnel requirement in this field in the future. MARINA has requested the Department of Budget and Management additional funding for ship inspectors for the year 1988.

Proposed additional personnel requirement:

<u>Office</u>	<u>Position</u>	<u>Number</u>
SRLO	Shipping Operations Specialist II	10
Palawan	Shipbuilding Specialist II	1
	Shipping Operations Specialist II	1
La Union	Shipbuilding Specialist II	1
	Shipping Operations Specialist II	1
NCR	Shipbuilding Specialist II	1
	Shipping Operations Specialist	1
		16

Training of MARINA Inspectors.

MARINA conducts seminars/in-house trainings relative to ship inspection. Each unit at the MARINA conducting ship inspection work (ex. SRLO, EO, and Field Offices) conducts occasional technical seminars for their respective personnel using own qualified inspectors as trainers.

PLANS AND PROGRAMS FOR THE SHIP INSPECTION TRAINING

A training center has to be established for the training of inspectors, engineers and supervisors on ship inspection techniques. Likewise, to provide a suitable laboratory space to accommodate the required equipment for examination and testing.

- A. Conduct of technical/trainers training in three (3) MARINA Regional Offices (Manila, Batangas and Cebu);
- B. Establishment of training center and laboratory for further training of inspectors of MARINA, engineers of shipbuilding industry and supervisors of shipping industry on inspection techniques;
- C. Development of training modules; and,
- D. Validation of training modules.
- E. Institutionalization of Training Modules on Ship Inspection Systems.

付属資料3. 事前調査を通じて確認した要請内容

1 目的

- ・船舶検査制度の改善
- ・船舶検査実施のための技術向上

2 プロジェクトの全体像

(1) 船舶検査制度の改善

- ・海上安全に係る国際条約に準拠した安全基準の国内採り入れ
- ・船舶検査における判定基準の整備
- ・本部と地方局の連携強化（検査情報のデータベース化）
- ・検査実績の分析による検査体制向上へのフィードバック

(2) 船舶検査実施のための技術向上

- ・MARINA本部及び拠点となる地方局の教官数名（3～4名を想定）の研修実施技術の向上
- ・MARINA本部及び地方局の上席検査官約30名の技術向上
（マニラを含めた3拠点において研修を実施する。日本からの短期専門家派遣時に3拠点において順次研修を行う。）
- ・プロジェクト終了後は、教官及び上席検査官により全検査官への研修を継続していく。
（MARINA自身の人員、予算により実施）
MARINAが計画している研修実施計画については、別紙参照。

3 協力内容

① 専門家派遣

長期 2名×3年（船舶検査制度指導、船舶検査技術指導）

短期 各年3名（期間は2～6ヶ月程度）

（船体検査（図面承認を含む）、機関検査、設備検査）

② 研修員受入

各年2名（期間は1ヶ月程度を想定）

③ 機材供与

- ・非破壊検査機器
- ・計測器
- ・作業環境測定機器
- ・視聴覚機器等

なお、要請内容のうち、緊急性に乏しく、機器設置等のスペースの確保が前提となる部分については、今回の協力内容には含まれていない。

MARINAが計画している研修実施計画

1. プロジェクト実施中

期間中に毎年3拠点において各2回の研修を行う。

1回の研修では2週間（実質10日間）の講義及び実習を行う。

合計約30名の上席検査官を対象とする。

研修の内容は次のとおり。

1年目	船舶検査行政	3日
	船体検査技術（手順及び判定）	7日
2年目	図面承認技術	4日
	機関検査技術（手順及び判定）	6日
3年目	設備検査技術（手順及び判定）	6日
	研修技術（視聴覚器材）	4日

2. プロジェクト終了後

毎年3拠点において各3回のセッションを2グループ（1グループ約10名）に対して行う。

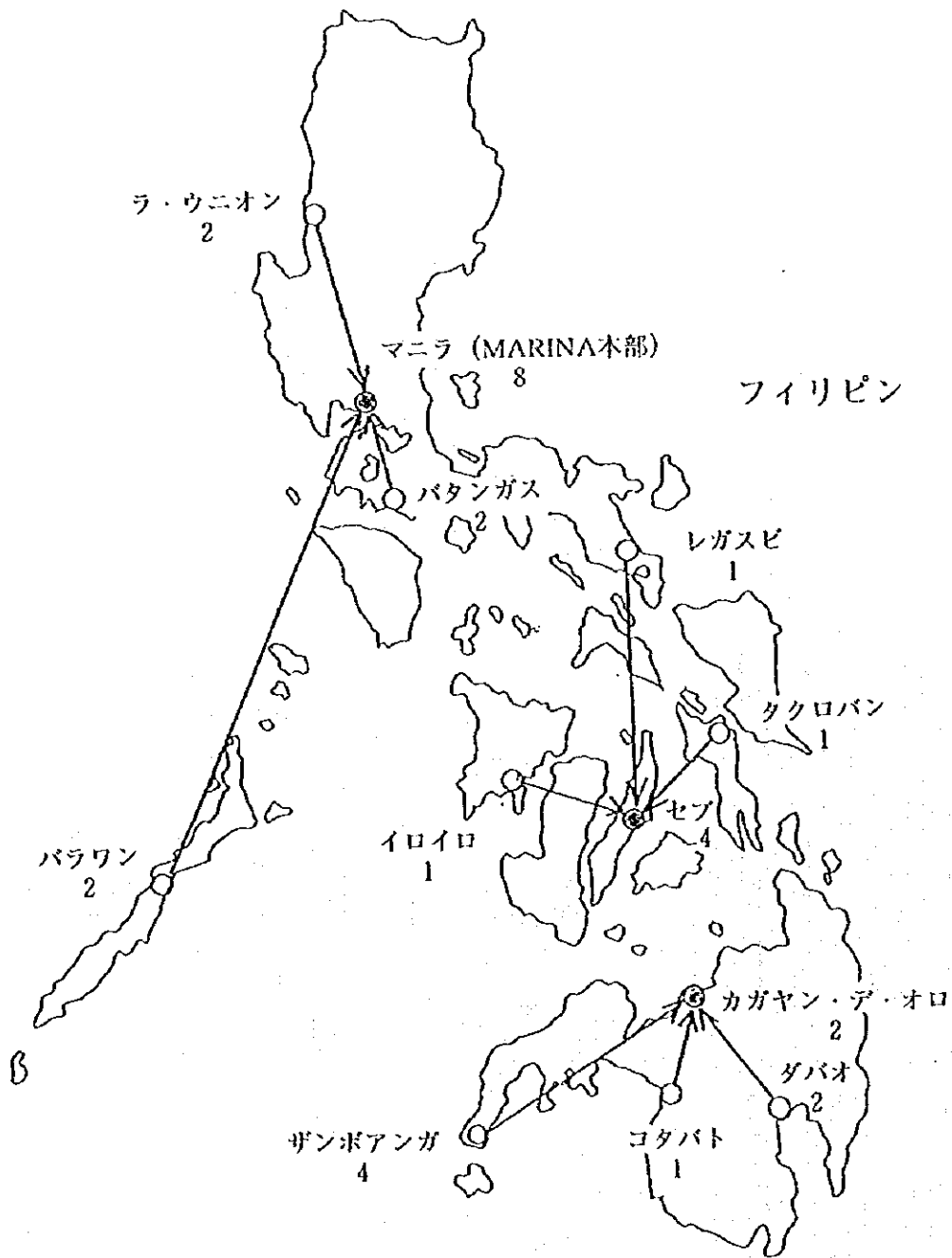
1回のセッションでは2週間（実質10日間）の講義及び実習を行う。

各拠点においては約20名の検査官を対象とする。

この研修は、新人検査官の技術向上のみならず、中堅検査官に対する最新技術の指導及び地方局間の検査判定基準の調整を兼ねるものである。

研修の内容は次のとおり。

第1セッション	最新の国内法規、国際条約	3日
	船体検査技術（手順及び判定）	7日
第2セッション	図面承認技術	4日
	機関検査技術（手順及び判定）	6日
第3セッション	設備検査技術（手順及び判定）	6日
	ポート・ステート・コントロール実習	4日



MARINA地方局 研修計画（拠点方式） 注）地名の下の数値は、上席検査官の人数

MALACANANG
Manila

EXECUTIVE ORDER NO. 125

REORGANIZING THE MINISTRY OF TRANSPORTATION AND COMMUNICATIONS
DEFINING ITS POWERS AND FUNCTIONS AND FOR OTHER PURPOSE

RECALLING that the reorganization of the government is mandated expressly in Article II, Section 1(a), and Article III of the Freedom Constitution:

HAVING IN MIND that pursuant to Executive Order No. 5 (1986), it is directed that necessary and proper changes in the organizational and functional structures of the government, its agencies and instrumentalities, be effected in order to promote efficiency and effectiveness in the delivery of public service:

CONSIDERING that viable and dependable transportation and communications networks are necessary tools for economic recovery:

CONSIDERING further that rapid technological advances in communication facilities require a distinct response to the peculiar problem of this field:

REALIZING that the growing complexity of the transportation sector has necessitated its division into various sub-sectors to facilitate the regulation and promotion of the sector as a whole: and

REIZING further that the State needs to regulate these networks and promote their continuous upgrading in order to preserve their viability and enhance their dependability:

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of powers vested in me by the sovereign will of the Filipino people and the Freedom Constitution, do hereby order:

SECTION 1. Title. This Executive Order shall otherwise be known as the Reorganization Act of the Ministry of Transportation and Communications.

SECTION 2. Reorganization. The Ministry of Transportation and Communications is hereby reorganized, structurally and functionally, in accordance with the provisions of this Executive Order.

SECTION 3. Declaration of Policy. The State is committed to the maintenance and expansion of viable, efficient and dependable transportation and communications systems as effective instruments for national recovery and economic progress. It shall not compete as a matter of policy with private enterprise and shall operate transportation and communications facilities only in those areas where private initiatives are inadequate or non-existent.

SECTION 4. Mandate. The Ministry shall be the primary policy, planning, programming, coordinating, implementing, regulating, and administrative entity of the Executive Branch of the government in the promotion, development and regulation of dependable and coordinated networks of transportation and communications systems, as well as in the fast, safe, efficient and reliable postal, transportation and communications services.

To accomplish such mandate, the Ministry shall have the following objectives:

- (a) Promote the development of dependable and coordinated networks of transportation and communications systems;
- (b) Guide government and private investments in the development of the country's inter-modal transportation and communications systems in a most practical, expeditious, and orderly fashion for maximum safety, service, and cost effectiveness;
- (c) Impose appropriate measures so that technical, economic and other conditions for the continuing economic viability of the transportation and communications entities are not jeopardized and do not encourage inefficiency and distortion of traffic patronage;
- (d) Develop an integrated plan for a nationwide transmission system in accordance with national and international telecommunications service requirements including, among others, radio and television broadcast relaying, leased channel services and data transmission;
- (e) Guide government and private investments in the establishments, operation and maintenance of an international switching system for incoming and outgoing telecommunications services;
- (f) Encourage the development of a domestic telecommunications industry in coordination with the concerned entities particularly, the manufacture of communications/electronics equipment and components to complement and support, as much as possible, the expansion, development, operation and maintenance of the nationwide telecommunications network;
- (g) Provide for a safe, reliable and efficient postal system for the country.

SECTION 5. Powers and Functions. To accomplish its mandate, the Ministry shall have the following powers and functions:

- (a) Formulate and recommend national policies and guidelines for the preparation and implementation of integrated and comprehensive transportation and communications systems at the national, regional and local levels;
- (b) Establish and administer comprehensive and integrated program for transportation and communications, and for this purpose, may call on any agency, corporation, or organization, whether public or private, whose development progress include transportation and communications,

SECTION 9. Assistant Ministers. The Minister shall also be assisted by seven (7) Assistant Ministers appointed by the President upon the recommendation of the Minister, each of whom shall head each of the following:

- (a) Administrative and Legal Service;
- (b) Finance and Management Service;
- (c) Planning and Research Service;
- (d) Technical Service;
- (e) Luzon Regional Offices;
- (f) Visayas Regional Offices;
- (g) Mindanao Regional Offices.

SECTION 10. Structural organization. The Ministry, aside from the Ministry Proper which is comprised of the Offices of the Minister, Deputy and Assistant Ministers, shall be composed of the Bureaus and Ministry Regional Offices.

There shall be four (4) Bureaus, namely: Bureau of Land Transportation, Bureau of Air Transportation, Bureau of Posts, and Bureau of Telecommunications.

The Office of the Minister shall have direct line supervision and control over the Bureaus and Ministry Regional Offices. The Ministry Proper shall be responsible for developing and implementing policies, plans, programs and projects for the Ministry.

The Bureau shall be essentially staff in character.

SECTION 11. Ministry Regional Offices. The Ministry shall have two (2) Ministry Regional Offices in each of the administrative regions of the country: the Ministry Regional Office for Transportation and the Ministry Regional Office for Communications. The present Regional Offices of the Bureau of Air Transportation and Land Transportation Commission are hereby abolished and their functions are transferred to the respective Ministry Regional Offices for Transportation. A Ministry Regional Office for Transportation shall be headed by a Ministry Regional Director assisted by two (2) Assistant Ministry Regional Directors responsible for Air and land affairs, respectively. The present Regional Offices of the Bureau of Post and Bureau of Telecommunications are hereby abolished and their functions are transferred to respective Ministry Regional Office for Communications. A Ministry Regional Office for Communications shall be headed by a Ministry Regional Director assisted by two (2) Assistant Ministry Regional Directors for telecommunications and postal services, respectively. The abolition of the herein Regional Offices and the transfer of their functions shall be governed by the provisions of Section 19 (b) hereof.

The Ministry Regional Offices shall be under the direct supervision of the Deputy Minister for Regional Offices. The Ministry Regional Offices shall be essentially line in character and shall be responsible for the delivery of all front line Services of the Ministry.

For such purposes, a Ministry Regional Office shall have, within its administrative region, the following functions:

- (a) Implement laws, and policies, plans, programs, projects, rules and regulations of the Ministry;
- (b) Provide efficient, and effective service to the people;
- (c) Coordinate with regional offices of other ministries, offices and agencies;
- (d) Coordinate with local government units;
- (e) Perform such other functions as may be provided by law.

SECTION 12. Bureau of Air Transportation. The Bureau of Air Transportation, as reorganized herein, shall have the functions of developing, formulating and recommending plans, policies, programs, projects, standards, specifications and guidelines related to air transportation including air space utilization, air traffic control and aeronautics communications and information services, aircraft and air navigational facilities, services, maintenance and operations. For such purposes, it shall, with the approval of the Minister:

- (a) Establish and prescribe rules and regulations for the inspection and registration of aircrafts;
- (b) Establish and prescribe rules and regulations for the issuance of licenses to qualified airmen;
- (c) Establish and prescribe rules and regulations for the enforcement of laws governing air transportation, including the penalties for violations thereof, and for the deputization of appropriate law enforcement agencies in pursuance thereof;
- (d) Determine, fix and/or prescribe charges and/or rates pertinent to the operation of public air utility facilities and services except in cases where charges or rates are established by international bodies or associations of which the Philippines is a participating member or by bodies or associations recognized by the Philippine Government as the proper arbiter of such charges or rates;
- (e) Administer and operate the Civil Aeronautics Training Center;
- (f) Perform such other functions as may be provided by law.

SECTION 13. Bureau of Land Transportation. The Bureau of Land Transportation is hereby created and shall have the functions of developing, formulating and recommending plans, programs, policies, standards, specifications and guidelines pertaining to land transportation. For such purposes, it shall, with the approval of the Minister:

- (a) Establish and prescribe rules and regulations for routes, zones and/or areas of operations of particular operators of public land services;
- (b) Establish and prescribe rules and regulations for the issuance of certificates of public convenience for the operation of public and land transportation utilities and services such as motor vehicles, trimobiles, and railroad lines;
- (c) Establish and prescribe rules and regulations for the inspection and registration of public and land transportation facilities such as motor vehicles, trimobiles, and railroad lines;
- (d) Establish and prescribe rules and regulations for the issuance of licenses to qualified motor vehicle drivers, trimobile drivers, motor vehicle conductors, train engineers and train conductors;
- (e) Establish and prescribe the corresponding rules and regulations for the enforcement of laws governing land transportation, including the penalties for violation thereof, and for the deputization of appropriate law enforcement agencies in pursuance thereof;
- (f) Determine, fix and/or prescribe charges and/or rates pertinent to the operation of public and land utility facilities and services except in cases where charges or rates are established by international bodies or associations of which the Philippines is a participating member or by bodies or associations recognized by the Philippine Government as the proper arbiter of such charges or rates;
- (g) Establish and prescribe the rules, regulations, procedures and standards for the accreditation of driving schools;
- (h) Perform such other functions as may be provided by law.

SECTION 14. Maritime Industry Authority. The Maritime Industry Authority is hereby retained and shall have the following functions:

- (a) Develop and formulate, plans, policies, programs, projects, standards, specifications and guidelines geared toward the promotion and development of the maritime industry, the growth and effective regulation of shipping enterprises, and for the national security objectives of the country;
- (b) Establish, prescribe and regulate routes, zones and/or areas of operation of particular operators of public water services;
- (c) Issue Certificates of Public Convenience for the operation of domestic and overseas water carriers;
- (d) Register vessels as well as issue certificates, licenses or documents necessary or incident thereto;
- (e) Undertake the safety regulatory functions pertaining to vessel construction and operation including the determination of manning

levels and issuance of certificates of competency to seamen;

- (f) Enforce laws, prescribe and enforce rules and regulations, including penalties for violation thereof, governing water transportation and the Philippine merchant marine with the aid of other law enforcement agencies;
- (g) Undertake the issuance of licenses to qualified seamen and harbor, bay and river pilots;
- (h) Determine, fix and/or prescribe charges and/or rates pertinent to the operation of public water transport utilities, facilitate all services except in cases where charges or rates are established by international bodies or associations of which the Philippines is a participating member or by bodies or associations recognized by the Philippine Government as the proper arbiter of such charges or rates;
- (i) Accredite marine surveyors and maritime enterprises engaged in shipbuilding, shiprepair, shipbreaking, domestic and overseas shipping, ship management and agency;
- (j) Supervise the Philippine Merchant Marine Academy as reorganized herein in accordance with its charter, the provisions hereof and applicable laws, rules and regulations under the chairmanship of the maritime administrator;
- (k) Issue and register the Continuous Discharge Book of Filipino Seamen;
- (l) Establish and prescribe rules and regulations, standards and procedures for the efficient and effective discharge of the above functions;
- (m) Perform such other functions as may now or hereafter be provided by law.

SECTION 15. Bureau of Telecommunications. The Bureau of Telecommunications, as reorganized herein, shall develop, formulate and recommend plans, policies, programs, standards, specifications and guidelines to provide telecommunications facilities, including telecommunications systems for purposes of augmenting limited or inadequate existing private telecommunications service; provide telecommunications services in areas where no such services are available; and assist the private sector engaged in telecommunications services. For such purposes, it shall, with the approval of the Minister:

- (a) Establish and prescribe rules and regulations for the operation and maintenance of such telecommunications facilities in areas not adequately served by the private sector in order to render such domestic and overseas services that are necessary or proper with due consideration for advances in technology;

- (b) Administer and operate the Telecommunications Training Institute;
- (c) Perform such other functions as may be provided by law.

SECTION 16. Bureau of Posts. The Bureau of Posts, presently existing, shall have the functions of developing, formulating and recommending plans, policies, programs, standards, specifications and guidelines to provide safe, fast, reliable and efficient postal service in the country. For such purposes, it shall, with the approval of the Minister:

- (a) Establish and prescribe rules and regulations for the enforcement of laws governing postal service, including the penalties for violation thereof and for the deputization of appropriate law enforcement agencies in pursuance thereof;
- (b) Determine, fix and/or prescribe charges and/or rates for postal services except in cases where charges or rates are established by international bodies or associations of which the Philippines is a participating member or by bodies or associations recognized by the Philippine Government as the proper arbiter of such charges or rates;
- (c) Establish and prescribe rules and regulations for the operation and maintenance of a nationwide postal system that shall include mail processing, delivery services, and money order services and the promotion of philately;
- (d) Perform such other functions as may be provided by law.

SECTION 17. Abolition/Transfer/Consolidation:

- (a) The Land Transportation Commission is hereby abolished and its staff functions are transferred to the Bureau of Land Transportation as provided in Section 13 herein and its line functions are transferred to the Ministry Regional Offices as provided in Section 11 herein, such transfer of functions is subject to the provisions of Section 19 (b) hereof.
- (b) PNL Leasing, Inc. is hereby abolished and its functions are transferred to Philippine National Lines, Inc. subject to the provisions of Section 19 (b) hereof.
- (c) The National Aero Manufacturing, Inc. and the Philippine Aero Systems, Inc. are hereby abolished in accordance with the provisions of Section 19 (a) hereof.
- (d) The Civil Aeronautics Board is hereby transferred from the Ministry of Tourism to the Ministry as an attached agency in accordance with the provisions of Section 19 (a) hereof.

SECTION 18. Attached Agencies and Corporations.

- (a) The following agencies and corporations are attached to the Ministry: the Philippine National Railways, the Maritime Industry Authority, the Philippine National Lines, the Philippine Aerospace Development Corporation, the Metro Manila Transit Corporation, the Office of Transport Cooperatives, the Philippine Ports Authority, the Philippine Merchant Marine Academy, the Toll Regulatory Board, the Light Rail Transit Authority, the Transport Training Center, the Civil Aeronautics Board, the National Telecommunications Commission and the Manila International Airport Authority.
- (b) An Airport Security Center is hereby created within the Manila International Airport Authority, to plan, supervise, control, coordinate, integrate and direct intelligence and operational activities of all police and military units, security and safety service units, government monitoring and intelligence units and other security operating units employed by government entities and/or by private agencies in the Manila International Airport. The Center is under the direct supervision and control of the MIAA General Manager. Moreover, the Authority shall be authorized to organize a Manila International Airport Police Force with all the police powers necessary to implement the objectives of the Center.

The exercise of supervision and control by the Airport Security Center does not include the transfer of appropriation, equipment and personnel to the said Authority; PROVIDED, that the Airport Security Center may cause the deployment of equipment and personnel in such manner it deems necessary in the discharge of its functions.

SECTION 19. Transitory Provisions. In accomplishing the acts of reorganization herein prescribed, the following transitory provisions shall be complied with, unless otherwise provided elsewhere in this Executive Order:

- (a) The transfer of a government unit shall include the functions, appropriations, funds, records, equipment, facilities, choses in action, rights, other assets, and liabilities, if any, of the transferred unit as well as the personnel thereof, as may be necessary, who shall, in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from government service pursuant to Executive Order No. 17 (1986) or Article III of the Freedom Constitution. Those personnel of the transferred unit whose positions are not included in the Ministry's new position structure and staffing pattern approved and prescribed by the Minister or who are not reappointed shall be deemed

separated from the service and shall be entitled to the benefits provided in the second paragraph of Section 20 hereof.

- (b) The transfer of functions which results in the abolition of the government unit that has exercised them shall include the appropriations, funds, records, equipment, facilities, choses in action, rights, other assets and personnel as may be necessary to the proper discharge of the transferred functions. The abolished unit's remaining appropriations and funds, if any, shall revert to the General Fund and its remaining assets, if any, shall be allocated to such appropriate units as the Minister shall determine or shall otherwise be disposed in accordance with the Government Auditing Code and other pertinent laws, rules and regulations. Its liabilities, if any, shall likewise be treated in accordance with the Government Auditing Code and other pertinent laws, rules and regulations. Its personnel shall, in a hold-over capacity, continue to perform their duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from the service pursuant to Executive Order No. 17 (1986) or Article III of the Freedom Constitution. Its personnel, whose positions are not included in the Ministry's new position structure and staffing pattern approved and prescribed by the Minister under Section 20 hereof or who are not reappointed, shall be deemed separated from the service and shall be entitled to the benefits provided in the second paragraph of the same Section 20.
- (c) The transfer of functions which does not result in the abolition of the government unit that has exercised them shall include the appropriations, funds, records, equipment, facilities, choses in action, rights, other assets and personnel as may be necessary to the proper discharge of the transferred functions. The liabilities, if any, that may have been incurred in connection with the discharge of the transferred functions, shall be treated in accordance with the Government Auditing Code and other pertinent laws, rules and regulations. Such personnel shall, in a hold-over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from the service pursuant to Executive Order No. 17 (1986) or Article III of the Freedom Constitution. Personnel, whose positions are not included in the Ministry's new position structure and staffing pattern approved and prescribed by the Minister under Section 20 hereof or who have not been reappointed, shall be deemed separated from the service and shall be entitled to the benefits provided in the second paragraph of the same Section 20.
- (d) In case of the abolition of a government unit which does not result in the transfer of its functions to another unit, the appropriations and funds of the abolished unit shall revert to the General Fund, while the records, equipment, facilities, choses in action, rights, and other assets, thereof shall be allocated to such appropriate units as the Minister shall determine or shall otherwise be disposed in accordance with the Government Auditing Code and other pertinent laws, rules and regulations. The liabilities of the abolished unit shall be treated in accordance with the Government Auditing Code and other pertinent laws, rules and regulations, while the personnel

thereof, whose positions are not included in the Ministry's new position structure and staffing pattern approved and prescribed by the Minister under Section 20 hereof or who have not been reappointed, shall be deemed separated from the service and shall be entitled to the benefits provided in the second paragraph of the same Section 20.

- (e) In case of merger or consolidation of government units, the new or surviving unit shall exercise the functions (subject to the reorganization herein prescribed and the laws, rules and regulations pertinent to the exercise of such functions) and shall acquire the appropriations, funds, records, equipment, facilities, choses in action, rights, other assets, liabilities if any, and personnel, as may be necessary, of (1) the units that compose the merged unit or (2) the absorbed unit, as the case may be. Such personnel shall, in a hold over capacity, continue to perform their respective duties and responsibilities and receive the corresponding salaries and benefits unless in the meantime they are separated from the service pursuant to Executive Order No. 17 (1986) or Article III of the Freedom Constitution. Any such personnel, whose positions is not included in the Ministry's new position structure and staffing pattern approved and prescribed by the Minister under Section 20 hereof or who is not reappointed, shall be deemed separated from the service and shall be entitled to the benefits provided in the second paragraph of the same Section 20.
- (f) In case of termination of a function which does not result in the abolition of the government unit which has performed such function, the appropriations and funds intended to finance the discharge of such function shall revert to the General Fund, while the records, equipment, facilities, choses in action, rights and other assets used in connection with the discharge of such function shall be allocated to the appropriate units as the Minister shall determine or shall otherwise be disposed in accordance with the Government Auditing Code and other pertinent laws, rules and regulations. The liabilities, if any, that may have been incurred in connection with the discharge of such function shall likewise be treated in accordance with the Government Auditing Code and other pertinent laws, rules, and regulations. The personnel who have performed such function, whose positions are not included in the Ministry's new position structure and staffing pattern approved and prescribed by the Minister under Section 20 hereof or who have not been reappointed, shall be deemed separated from the service and shall be entitled to the benefits provided in the second paragraph of the same Section 20.

SECTION 20. New Structure and Pattern. Upon approval of this Executive Order, the officers (the term "officer" as used in this Executive Order is intended to be within the meaning of the term "official" as used in the Freedom Constitution) and employees of the Ministry shall, in a hold over capacity, continue to perform their respective duties and responsibilities receive the corresponding salaries and benefits unless in the meantime they are separated from government service pursuant to Executive Order No. 17 (1986) or Article III of the Freedom Constitution.

The new position structure and staffing pattern of the Ministry shall be approved and prescribed by the Minister, for the Ministry, within one hundred twenty (120) days from the approval of this Executive Order and the authorized positions created thereunder shall be filled with regular appointments by him or by the President as the case may be. Those incumbents whose positions are not included therein or who are not reappointed shall be deemed separated from the service. Those separated from the service shall receive the retirement benefits to which they may be entitled under existing laws, rules and regulations. Otherwise, they shall be paid the equivalent of one month basic salary for every year of service, or the equivalent nearest fraction thereof favorable to them on the basis of the highest salary received, but in no case shall such payment exceed the equivalent of 12 months salary.

No court or administrative body shall issue any writ or preliminary injunction or restraining order to enjoin the separation/replacement of any officer or employee effected under this Executive Order.

SECTION 21. Prohibition Against Changes. No change in the reorganization herein prescribed shall be valid except upon prior approval of the President for the purposes of promoting efficiency and effectiveness in the delivery of public services.

SECTION 22. Implementing Authority of Minister. The Minister shall issue such orders, rules, regulations and other issuances as may be necessary to ensure the effective implementation of the provisions of this Executive Order.

SECTION 23. Notice or Consent Requirements. If any reorganizational change herein authorized is of such substance or materiality as to prejudice third persons with rights recognized by law or contract such that notice to or consent of creditors is required to be made or obtained pursuant to any agreement entered into with any of such creditors, such notice or consent requirements shall be complied with prior to the implementation of such reorganizational change.

SECTION 24. Funding. Funds needed to carry out the provisions of this Executive Order shall be taken from funds available in the Ministry.

SECTION 25. Change of Nomenclature. In the event of the adoption of a new Constitution which provides for a presidential form of government, the Ministry shall be called Department of Transportation and Communications and the titles of Minister, Deputy Minister, and Assistant Minister shall be changed to Secretary, Undersecretary and Assistant Secretary, respectively.

SECTION 26. Separability. Any portion or provision of this Executive Order that may be declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof, as long as such remaining portions or provisions can still subsist and be given effect in their entirety.

SECTION 27. Repealing Clause. Presidential Decree No. 890 and Letters of Instruction Nos. 263 and 371 are hereby repealed. All laws, ordinances, rules, regulations, other issuances or parts thereof, which are inconsistent with this Executive Order, are hereby repealed or modified accordingly.

SECTION 28. Effectivity. This Executive Order shall take effect immediately upon its approval.

APPROVED in the City of Manila, Philippines, this 30th day of January, in the Year of Our Lord, Nineteen Hundred and Eighty-seven.

SGD. CORAZON C. AQUINO
President

By the President:

SGD. JOKER P. ARROYO
Executive Secretary

Office of the President
of the Philippines
Malacanan

EXECUTIVE ORDER NO. 125-A

AMENDING EXECUTIVE ORDER NO. 125, ENTITLED "REORGANIZING THE MINISTRY
OF TRANSPORTATION AND COMMUNICATIONS, DEFINING ITS POWERS
AND FUNCTIONS, AND FOR OTHER PURPOSES"

WHEREAS, considering the peculiar situation obtaining in the Department of Transportation and Communications (DOTC), there is a compelling need to clarify and/or modify the structural and functional organization of the Department as provided under Executive Order No. 125 in order to ensure compliance with its mandate and the attainment of the corresponding objectives as specified in Section 4 of said Executive Order.

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

SECTION 1. Sections 5, 8, 9, 10 and 11 of Executive Order No. 125, otherwise known as the Reorganization Act of the Ministry of Transportation and Communications, are hereby amended to read as follows:

"Section 5. Powers and Functions. To accomplish its mandate, the Department shall have the following powers and functions:

- (a) Formulate and recommend national policies and guidelines for the preparation and implementation of integrated and comprehensive transportation and communications systems at the national, regional and local levels;
- (b) Establish and administer comprehensive and integrated programs for transportation and communications, and for this purpose, may call on any agency, corporation, or organization, whether public or private, whose development programs include transportation and communications as an integral part thereof, to participate and assist in the preparation and implementation of such programs;
- (c) Assess, review and provide direction to transportation and communications research and development programs of the government in coordination with other institutions concerned;
- (d) Administer and enforce all laws, rules and regulations in the field of transportation and communications;

- (e) Coordinate with the Department of Public Works and Highways in the design, location, development, rehabilitation, improvement, construction, maintenance and repair of all infrastructure projects and facilities of the Department. However, government corporate entities attached to the Department shall be authorized to undertake specialized telecommunications, ports, airports and railways projects and facilities as directed by the President of the Philippines or as provided by law;
- (f) Establish, operate and maintain a nationwide postal system that shall include mail processing, delivery services, and money order services and promote the art of philately;
- (g) Issue certificates of public convenience for the operation of public land and rail transportation utilities and services;
- (h) Accredit foreign aircraft manufacturers and/or international organizations for aircraft certification in accordance with established procedures and standards;
- (i) Establish and prescribe rules and regulations for identification of routes, zones and/or areas of operation of particular operators of public land services;
- (j) Establish and prescribe rules and regulations for the establishment, operation and maintenance of such telecommunications facilities in areas not adequately served by the private sector in order to render such domestic and overseas services that are necessary with due consideration for advances in technology;
- (k) Establish and prescribe rules and regulations for the operation and maintenance of a nationwide postal system that shall include mail processing, delivery services, money order services and promotion of philately;
- (l) Establish and prescribe rules and regulations for the issuance of certificates of public convenience for public land transportation utilities, such as motor vehicles, tricycles and railways;
- (m) Establish and prescribe rules and regulations for the inspection and registration of air and land transportation facilities, such as motor vehicles, tricycles, railways and aircrafts;
- (n) Establish and prescribe rules and regulations for the issuance of licenses to qualified motor vehicle drivers, conductors, and airmen;
- (o) Establish and prescribe the corresponding rules and regulations for the enforcement of laws governing land transportation, air transportation and postal services, including the penalties for violations thereof, and for the deputization of appropriate law enforcement agencies in pursuance thereof;

- (p) Determine, fix and/or prescribe charges and/or rates pertinent to the operation of public air and land transportation utility facilities and services, except such rates and/or charges as may be prescribed by the Civil Aeronautics Board under its charter, and, in cases where charges or rates are established by international bodies or associations of which the Philippines is a participating member or by bodies or associations recognized by the Philippine Government as the proper arbiter of such charges or rates;
- (q) Establish and prescribe the rules, regulations, procedures and standards for the accreditation of driving schools;
- (r) Administer and operate the Civil Aviation Training Center (CATC) and the National Telecommunications Training Institute (NTTI); and
- (s) Perform such other powers and functions as may be prescribed by law, or as may be necessary, incidental, or proper to its mandate, or as may be assigned from time to time by the President of the Republic of the Philippines."

Section 8. Undersecretaries. The Secretary shall be assisted by four (4) Undersecretaries appointed by the President upon the recommendation of the Secretary.

Section 9. Assistant Secretaries and Service Chiefs. The Secretary shall also be assisted by eight (8) Assistant Secretaries appointed by the President upon the recommendation of the Secretary, each of whom shall respectively be responsible for the following four (4) staff offices composed of eight (8) services and four (4) line offices, and shall report to the respective Undersecretaries assigned by the Secretary, which Undersecretary shall have control and supervision over said respective services and offices:

- (a) Office of the Assistant Secretary for Administrative and Legal Affairs:
 - 1) Administrative Service, and
 - 2) Legal Service
- (b) Office of the Assistant Secretary for Finance and Comptrollership:
 - 1) Finance and Management Service, and
 - 2) Comptrollership Service
- (c) Office of the Assistant Secretary for Planning and Project Development:
 - 1) Planning Service, and
 - 2) Project Development Service

- (d) Office of the Assistant Secretary for Management Information Service and Project Management;
 - 1) Management Information Service, and
 - 2) Project Management Service
- (e) Office of the Assistant Secretary for Land Transportation;
- (f) Office of the Assistant Secretary for Postal Services;
- (g) Office of the Assistant Secretary for Telecommunications;
- (h) Office of the Assistant Secretary for Air Transportation.

Each of the above-named services shall be headed by a service chief appointed by the President upon the recommendation of the Secretary."

"Section 10. Structural Organization. The Department, notes from the Department proper which is comprised of the Offices of the Secretary, Undersecretary and Assistant Secretaries shall include the Department regional offices and the attached agencies and corporations referred to in Section 14 hereof.

The Office of the Secretary shall have direct line supervision and control over the Department regional offices. The Department proper shall be responsible for developing and implementing policies, plans, programs and projects for the Department."

"Section 11. Department Regional Offices. The Department shall have three (3) Department Regional Offices in each of the administrative regions of the country: the Department Regional Office for Land Transportation, the Department Regional Office for Telecommunications and the Department Regional Office for Postal Services. The present Regional Offices of the Land Transportation Commission are hereby abolished and their functions are transferred to the respective Department Regional Offices for Land Transportation. The present Regional Offices of the Bureau of Telecommunications are hereby abolished and their functions are transferred to the respective Department Regional Offices for Telecommunications. The present Regional Offices of the Bureau of Posts are hereby abolished and their functions are transferred to the corresponding Department Regional Offices for Postal Services. Each Department Regional Office shall be headed by a Department Regional Director and assisted by a Department Assistant Regional Director. The present Airport Offices of the Bureau of Air Transportation are hereby abolished and their functions are transferred to the Department Airport Offices. The abolition of the herein Regional Offices and the transfer of their functions shall be governed by the provisions of Section 15 (b) hereof.

The Department Regional Offices shall essentially be line in character and shall be responsible for the delivery of all front line services of the Department.

For such purposes, the Department Regional Offices shall have, within their respective administrative regions, the following functions:

- (a) Implement laws, and policies, plans, programs, projects, rules and regulations of the Department;
- (b) Provide efficient, and effective service to the people;
- (c) Coordinate with regional offices of other departments, offices and agencies;
- (d) Coordinate with local government units;
- (e) Perform such other functions as may be provided by law."

SECTION 2. Sections 12, 13, 15 and 16 of said Executive Order are hereby deleted.

SECTION 3. Section 14 of said Executive Order is hereby renumbered as Section 12 and amended to read as follows:

"Section 12. Maritime Industry Authority. The Maritime Industry Authority is hereby retained and shall have the following functions:

- (a) Develop and formulate plans, policies, programs, projects, standards, specifications and guidelines geared toward the promotion and development of the maritime industry, the growth and effective regulation of shipping enterprises, and for the national security objectives of the country;
- (b) Establish, prescribe and regulate routes, zones and/or areas of operation of particular operators of public water services;
- (c) Issue Certificates of Public Convenience for the operation of domestic and overseas water carriers;
- (d) Register vessels as well as issue certificates, licenses or documents necessary or incident thereto;
- (e) Undertake the safety regulatory functions pertaining to vessel construction and operation including the determination of manning levels and issuance of certificates of competency to seamen;
- (f) Enforce laws, prescribe and enforce rules and regulations, including penalties for violations thereof, governing water transportation and the Philippine merchant marine, and deputize the Philippine Coast Guard and other law enforcement agencies to effectively discharge these functions;
- 1g. Undertake the issuance of licenses to qualified seamen and harbor, bay and river pilots;

- (h) Determine, fix and/or prescribe charges and/or rates pertaining to the operation of public water transport utilities, facilities, and services except in cases where charges or rates are established by international bodies or associations of which the Philippines is a participating member or by bodies or associations recognized by the Philippine Government as the proper arbiter of such charges or rates.
- (i) Accredit marine surveyors and certifying enterprises engaged in shipbuilding, shiprepair, shipbraking, domestic and overseas shipping, ship management and agency;
- (j) Issue and register the continuous discharge book of Filipino seamen;
- (k) Establish and prescribe rules and regulations, standards and procedures for the efficient and effective discharge of the above functions;
- (l) Perform such other functions as may now or hereafter be provided by law.

SECTION 9A. Section 17 of Executive Order No. 125 is hereby renumbered as Section 13 and amended to read as follows:

"Section 13. Abolition/Transfer/Consolidation:

- (a) The Land Transportation Commission is hereby abolished and its staff functions are transferred to the service offices of the Department Proper and its line functions are transferred to the Department Regional Offices for Land Transportation as provided in Section 14 herein. Such transfer of functions is subject to the provisions of Section 15 (b) hereof. The quasi-judicial powers and functions of the Commission are transferred to the Department. The corresponding position structure and staffing pattern shall be approved and prescribed by the Secretary pursuant to Section 16 hereof.
- (b) PNL Leasing, Inc. is hereby abolished and its functions are transferred to Philippine National Lines, Inc. subject to the provisions of Section 15 (b) hereof. The Secretary of Transportation and Communications or his designated representative shall be the Chairman of the Board.
- (c) The National Aero Manufacturing, Inc. and the Philippine Aero Systems, Inc. are hereby abolished in accordance with the provisions of Section 15 (a) hereof.
- (d) The Civil Aeronautics Board is hereby transferred from the Department of Tourism to the Department as an attached agency in accordance with the provision of Section 15 (a) hereof. The Secretary of Transportation and Communications or his designated representative shall be the Chairman of the Board.

(e) The Maritime Training Council's function of issuing certificates of competency to seamen under LOI 1404 is hereby transferred to the Maritime Industry Authority."

SECTION 5. Sections 18, 19, 20, 21, 22, 23, 24, 25 and 26 of said Executive Order are hereby renumbered as Sections 14, 15, 16, 17, 18, 19, 20, 21 and 22, respectively.

SECTION 6. Section 27 of said Executive Order is hereby renumbered as Section 23 and amended to read as follows:

"Section 23. Repealing Clause. Presidential Decree No. 890, Letter of Instruction Nos. 263 and 371 Executive Order No. 1011 dated March 20, 1985 are hereby repealed. All laws, ordinances, rules, regulations, other issuances or parts thereof which are inconsistent with this Executive Order are hereby repealed or modified accordingly."

SECTION 7. Section 28 of said Executive Order is hereby renumbered as Section 24.

SECTION 8. This Executive Order shall take effect immediately upon its approval.

DONE in the City of Manila, Philippines, this 13th day of April, in the Year of Our Lord, Nineteen Hundred and Eighty-Seven.

ay.

Ernesto B. Aquino

By: the President:

[Signature]
ERNESTO B. ARROYO
Executive Secretary

MALACANANG
Manila

PRESIDENTIAL DECREE NO. 474

PROVIDING FOR THE REORGANIZATION OF MARITIME FUNCTIONS IN THE PHILIPPINES, CREATING THE MARITIME INDUSTRY AUTHORITY, AND FOR OTHER PURPOSES.

WHEREAS, the efficient sea transport of raw materials, products, commodities and people is vital to the growth of the Philippine economy;

WHEREAS, the functions pertaining to the development and regulation of shipping enterprises are fragmented among various government agencies, resulting in inadequate and inefficient shipping facilities, dependence on external shipping interests, maldistribution of commodities and piece-meal solutions;

WHEREAS, there is imperative need to modernize and expand the Philippine merchant fleet, and to rationalize and improve their operations in order to make them effective instruments in promoting domestic production, inter-island, overseas trade, price stabilization, and employment generation;

WHEREAS, it is urgently necessary to provide a strong organizational framework to effect the accelerated and integrated development and effective regulation of shipping enterprises;

NOW, THEREFORE, I FERDINAND E. MARCOS, President of the Philippine, by virtue of the powers vested in me by the Constitution, in order to effect the desired changes and reforms in the social, economic and political structure of our society, do hereby decree and order that the following be adopted and made part of the laws of the land:

SECTION 1. Title.- This Decree shall be known as the Maritime-Industry Decree of 1974.

SEC. 2. Declaration of Policies and Objectives. -

It is hereby declared the policy of the State to accelerate the integrated development of the maritime industry of the Philippines to attain the following objectives: (a) To increase production and productivity in the various islands and regions of the archipelago through the provision of effective sea linkage; (b) To provide for the economical, safe, adequate and efficient shipment of raw materials, products, commodities and people; (c) To enhance the competitive position of the Philippine flag vessels in the carriage of foreign trade; (d) To strengthen the balance of payments position by minimizing the outflow of foreign exchange and increasing dollar earnings; (e) To generate new and more job opportunities.

For the attainment of these objectives, the Government through the Maritime Industry Authority thereafter created shall:

- (a) Adopt and implement a practicable and coordinated Maritime Industry Development Program which shall include, among others, the early replacement of obsolete and uneconomic vessels; modernization and expansion of the Philippine merchant fleet, enhancement of domestic capability for shipbuilding, repair and maintenance; and the development of reservoir of trained manpower;
- (b) Provide and help provide the necessary; (i) financial assistance to the industry through public and private financing institutions and instrumentalities; (ii) technological assistance; and (iii) in general, a favorable climate for expansion of domestic and foreign investments in shipping and enterprises; and

- (c) Provide for the effective supervision, regulation and rationalization of the organizational management, ownership and operations of all water transport utilities, and other maritime enterprises.

SEC. 3. Definition of Terms. - The terms, as used in this Decree, shall have the following meaning, unless the context of the particular usage of the term indicates otherwise.

a. "Maritime Industry", briefly referred to as "industry" in the broadest concept of the term. - All enterprises engaged in the business of designing, constructing, manufacturing, acquiring, operating, supplying, repairing and/or maintaining vessels, or component parts thereof; of managing and/or operating shipping lines, stevedoring arrastre and customs brokerage services, shipyards, drydocks, marine railways, marine repair shops, shipping and freight forwarding agencies and similar enterprises.

b. "Vessels" or "watercraft" - Any barge, lighter, bulk carrier, passenger ship, freighter, tanker, container ship, fishing boats or other artificial contrivance utilizing any source of motive power, designed, used or capable of being used as a means of water transportation operating either as a common contract carrier, including fishing vessels covered under Presidential Decree No. 43, except (i) those owned and/or operated by the Armed Forces of the Philippines and by foreign governments for military purposes, and (ii) bancas, sailboats and other waterborne contrivance of less than three gross tons capacity and not motorized.

c. "Philippine national" - A citizen of the Philippines; or a partnership or association wholly owned by and composed of citizens of the Philippines; or a corporation organized under the laws of the Philippines of which at least sixty percent of the capital stock outstanding and entitled to vote is owned and held by Philippine citizens; or a trustee of funds for pensions or other employee retirement or separation benefits, where the trustee is a Philippine

national and at least sixty per cent of the fund will accrue to the benefit of the Philippine nationals: Provided, That where a corporation and its non-Filipino stockholders own stock in an enterprise, at least sixty per cent of the members of the governing board of both corporations must be Philippine nationals.

d. "Philippine flag vessel" - A vessel or watercraft registered under Philippine laws.

e. "Foreign Flag vessel" - A vessel or watercraft registered under the laws of a country other than the Philippines.

f. "Philippine shipping companies" - Philippine nationals registered and licensed under the laws of the Philippines to engage in the business of overseas and/or domestic water transportation.

A. MARITIME INDUSTRY AUTHORITY

SEC. 4. Maritime Industry Authority, Creation and Organization. - There is hereby created a Maritime Industry Authority, hereinafter referred to as the "Authority", under the Office of the President. It shall be composed of a governing board of directors to be known as Maritime Industry Board and Management.

The Authority shall have general jurisdiction and control over all persons, corporations, firms or entities in the maritime industry of the Philippines and shall supervise, regulate in accordance with this Decree.

The principal office of the Authority shall be in the Greater Manila Area. Regional or branch offices may be established at such other place or places within the Philippines as may be deemed necessary by the Board.

SEC. 5. Maritime Industry Development Program. - The Authority shall prepare and annually update a Ten-Year Maritime Industry Development Program, hereinafter referred to as "Program" which shall contain a rational and integrated development of the maritime industry. The Authority shall submit the same for approval by the President of the Philippines.

Upon approval of the Program by the President, all government departments, bureaus, agencies and instrumentalities shall implement the same within their respective jurisdictions, The Authority shall ensure that the approved program is being effectively implemented by the participating agencies. No government body or instrumentality shall adopt any policy or take course of action contrary to or inconsistent with the Program.

B. MARITIME INDUSTRY BOARD

SEC. 6. Powers and Function of the Board. - The Maritime Industry Board shall have the following powers, functions, and duties, among others:

- a. To provide comprehensive policy guidance for the promotion and development of the maritime industry as provided for in this Decree;
- b. To promulgate and prescribe such promotional and developmental rules and regulations, standards, guidelines and procedures and recommend laws or measures as may be necessary for the growth and effective regulation of shipping enterprises;
- c. To formulate a comprehensive and practicable Maritime Industry Development Program for a ten-year period and review and update the same annually;
- d. To prescribe specific policies in the determination of just and reasonable passenger fares, freight rates and other charge relative to the operation of inter-island vessels. Accordingly, the Board of Transportation shall exercise its rate fixing functions in accordance with such policies;
- e. To recommend to the President that the State, through such agency or agencies as the President may designate, purchase, lease, manage, operate or requisition any vessel, ship or shipping enterprise, for national security purposes, to meet emergency situations or when the national interest so requires;

- f. To approve contracts;
- g. To approve the organizational structure, staffing pattern, and budget of the Authority upon the recommendation of the Administrator;
- h. To appoint, discipline and remove, and determine the composition of the Authority technical staff and other personnel: Provided, finally, That the Board or the Administrator may engage on contractual basis or other arrangements for the temporary services, and fix the compensation of highly qualified professionals, experts technical advisers or consulting firms;
- i. To adopt a common seal for the Authority which shall be juridically noticed, determine the exact location of its office, and prescribe the rules and regulations to govern its proceedings;
- j. To recommend to the President, through the National Economic and Development of shipping and other related maritime enterprises; and
- k. To perform such acts as are proper and necessary to implement this Decree.

SEC. 7. Composition and Organization. - The Board shall be composed of eight members as follows: The Secretary of Trade, the Secretary of Public Works, Transportation and Communications, the Secretary of National Defense, the Defense, the Executive Secretary, the Chairman of the Board

of Investments, the Chairman of the Development Bank of the Philippines, the Chairman of the Board of Transportation and the Maritime Administrator. The Chairman of the Board shall be appointed by the President of the Philippines from among its members.

The officials next in rank to the regular members shall serve as permanent alternate members, except that, in the absence of the Chairman, the Board shall elect a temporary presiding officer. The alternate members shall attend meetings of the Board and committee assigned to their principals and receive the corresponding per diems whenever their principal is absent or the said position is vacant.

The Board shall meet regularly once a month and may hold special meetings to consider urgent matters upon call of the Chairman or any three members thereof. A majority shall constitute a quorum for the transaction of business.

Each member shall receive a monthly commutable allowance of five hundred pesos and per diem of one hundred for every meeting of the Board or committee thereof actually attended; Provided, That the total amount of per diems which each may receive shall not exceed five hundred pesos a month.

C. MANAGEMENT

SEC. 8. Management Head.- The management of the Authority shall be vested in the Maritime Administrator who shall be directly assisted by the Deputy Administrator for Planning and a Deputy Administrator for Operations hereinafter referred to as "Deputy Administrators".

SEC. 9. The Maritime Administrator and Deputy Administrator. - The Maritime Administrator and Deputy Administrator shall be appointed by the President for a term of six years: Provided, that upon the expiration of their respective terms, they shall continue to serve until their successor shall have been appointed and qualified:

Provided, further, That no vacancy shall be filled except for the unexpired portion of the term: Provided, finally, That the President may remove the Administrator and Deputy Administrators from office for cause upon recommendation of the Board.

The Maritime Administrator and Deputy Administrators shall be citizens of the Philippines, at least thirty-five years old on the date of their appointment, of good moral character, or recognized executive ability and competence in previous public or private employment, with adequate training and experience in economics, technology, finance, law, management, public utility, or in other phases or aspects of the maritime industry. Until otherwise fixed by the Board, the Administrator shall receive an annual salary of fifty thousand pesos and a monthly commutable allowance of two thousand pesos. Each Deputy Administrator shall receive an annual salary of forty thousand pesos and a monthly allowance of one thousand five hundred pesos.

The Administrator shall be directly responsible to the Board, and shall have powers, functions and duties as provided in this Decree. The Deputy Administrator shall be directly responsible to the Administrator, and their respective powers, functions and duties shall be determined by the Board, upon recommendation of the Administrator.

SEC. 10. Authority to Administer Oath. - The Chairman of the Board, the Administrator, the Deputy Administrators, the Chief Legal Officer and heads of divisions of the Authority's shall have the power to administer oaths for the transaction of official business.

SEC. 11. General Powers and Functions of the Administrator. -

Subject to the general supervision and control of the Board, the Administrator shall have the following general powers, functions and duties:

a. To implement, enforce and apply the policies, programs, standards, guidelines, procedures, decisions and rules and regulations issued, prescribed or adopted by the Board pursuant to this Decree;

b. To undertake researches, studies, investigations and other activities and projects, on his own initiative or upon instructions of the Board, and to submit comprehensive reports appropriate recommendations to the Board for its information and action;

c. To undertake studies to determine present and future requirements for port development including navigational aids, and improvement of waterways and navigable waters in consultation with appropriate agencies;

d. To pursue continuing research and developmental programs on expansion and modernization of the merchant fleet and supporting facilities taking into consideration the needs of the domestic trade and the need of regional economic cooperation schemes; and

e. To manage the affairs of the Authority subject to the provisions of this Decree and applicable laws, orders, rules and regulations of other appropriate government entities.

SEC. 12. Specific Powers and Functions of the Administrator. -
In addition to his general powers and functions, the Administrator shall:

a. Issue Certificate of Philippine Registry for all vessels being used in Philippine waters, including fishing vessels covered by Presidential Decree No. 4 except transient civilian vessels of foreign registry, vessels owned and/or operated by the Armed Forces of the Philippines or by foreign governments for military purposes, and bancas, sailboats and other watercraft which are not motorized, of less than three gross tons;

b. Provide a system of assisting various officers, professionals, technicians, skilled workers and seaman to be gainfully employed in shipping enterprises, priority being given to domestic needs;

c. In collaboration and coordination with the Department of Labor, to look into, and promote improvements in the working conditions and terms of employment of the officers and crew of vessels of Philippine registry, and citizens and employed by foreign flag vessels, as well as of personnel of other shipping enterprises, and to assist in the settlement of disputes between the shipowners and between the owner or manager of other shipping enterprises and their personnel;

d. To require any public water transport utility or Philippine flag vessels to provide shipping services to any coastal areas in the country where such services are necessary for the development of the area, to meet emergency sealift requirements, or when public interest so requires;

e. Investigate by itself or with the assistance of other appropriate government agencies or officials, or expert from the private sector, any matter within its jurisdiction, except marine casualties or accidents which shall be undertaken by the Philippine Coast Guard;

f. Impose, fix, collect and receive in accordance with the schedules approved by the Board, from any shipping enterprises or other persons concerned, such fees and other charges for the payment of its services;

g. Inspect, at least annually, the facilities of port and cargo operators and recommend measures for adherence to prescribed of safety, quality and operations;

h. Approve the sale, lease or transfer of management of vessels owned by Philippine Nationals to foreign owned or controlled enterprises;

i. Prescribe and enforce rules and regulations for the prevention of marine pollution in bays, harbors and other navigable waters of the Philippines, in coordination with the government authorities concerned;

j. Establish and maintain, in coordination with the appropriate government offices and agencies, a system of regularly and promptly producing, collating, analyzing and disseminating traffic flows, port operations, marine insurance services and other information on maritime matters;

k. Recommend such measures as may be necessary for the regulation of the importation into and exportation from the Philippines of vessels, their equipment and spare parts;

l. Implement the rules and regulations issued by the Board of Transportation;

m. Compile and codify all maritime laws, orders, rules and regulations, decisions in leasing cases of courts and the Authority's procedures and other requirements relative to shipping and other shipping enterprises, make them available to the public, and, whenever practicable to publish such materials;

n. Delegate his powers in writing to either of the Deputy Administrators or any other ranking official of the Authority: Provided, That he informs the Board of such delegation promptly; and

o. Perform such other duties as the Board may assign, and such acts as may be necessary and proper to implement this Decree.

SEC. 13. Maritime Industry Manpower Needs. The Authority shall establish and support a system of maintaining and developing a reservoir of trained manpower to meet the current and future needs of the industry. For the attainment of this objective, it

shall undertake the following:

a. Evaluate, in collaboration with the Department of Education and Culture, the capability of maritime educational and training institutions and programs in the Philippines, including the Philippine Merchant Marine Academy, herein placed under the administrative supervision of the Authority, to supply shipping and shipyard manpower needs.

b. Inspect and evaluate periodically the standards, facilities and performance of the maritime educational and training programs of government and private schools and enterprises and recommend to the Department of Education and Culture and other appropriate government agencies such changes in the curriculum as may be necessary.

c. Conduct or arrange for the holding of pre-employment, on-the-job and other training programs to provide and upgrade shipping skills and techniques, with the cooperation and support of private enterprises and government agencies.

d. Provide incentives for education and training in shipping and shipbuilding fields, especially those which are not attractive to students such as naval architecture, including scholarships and fellowships, in the Philippines or abroad with liberal grants for the entire duration of the course, to be sponsored directly or arranged by the Administration.

SEC. 14. Penalties. Any person who gives false or misleading data or information or wilfully or through gross negligence, conceals, or falsifies a material fact,

In any investigation, inquiry or hearing, or other proceedings held pursuant to this Decree, shall be punished with imprisonment of not less than two nor more than six months and with a fine of not less than five hundred nor the false or misleading date or information shall have been given under oath, the maximum penalty for giving false testimony or perjury shall be imposed.

D. MISCELLANEOUS PROVISIONS

SEC. 15. Auditor - The Commission on Audit shall be the ex-officio Auditor of the Authority and it shall appoint its representative therein, who shall audit all accounts thereof.

SEC. 16. Reorganizational Changes. -

a. Department of Trade. - The Shipping and Freight Study Unit of the Department of Trade is hereby transferred to the Authority together with its applicable appropriations, records, equipment, property and such personnel as may be necessary.

b. Bureau of Transportation. - The powers and functions pertaining to the development and supervision of maritime shipping of the Bureau of Transportation for Water are hereby transferred to the Authority. Accordingly the Water Transportation Division of the Bureau is hereby abolished.

c. National Development Company. - The powers and functions of the National Development Company relative to ship acquisition under Republic Act No. 1407, as amended, (Philippine Overseas Act of 1955) are hereby transferred to the Authority together with its applicable records, equipment and property.

In addition to the powers and functions herein transferred, balances of all appropriations, funds, accounts and notes receivable derived from shipping companies; equipment, records and supplies are likewise transferred to the Authority.

SEC. 17. Retention of the Functions and Powers of the Philippine Coast Guard. - Nothing in this Decree shall

be constructed to affect or delimit the present functions and powers of the Philippine Coast Guard relative to maritime affairs. All such functions and powers of the Philippine Coast Guard are retained by it. Furthermore in the performance of its functions, especially in the classification and inspection of vessels, the Philippine Coast Guard will be assisted by the Authority. Provided, That within two years from the issuance of this Decree, the President may transfer to the Authority such regulatory maritime affairs as may be necessary for the achievement of the aims and purposes of the Authority. The Authority shall coordinate with the Philippine Coast Guard in the exercise of supervision and regulation of the operations of water transport utilities.

SEC. 18. Coordination with Other Agencies. - The Authority shall coordinate with the Department of Labor, the Department of Education and Culture and the National Manpower and Youth Council in the exercise of its pertinent functions that have relation to the functions of the above-mentioned agencies, particularly as these pertain to the development of trained and qualified seaman for Philippine vessels.

In order to strengthen its coordinative functions, the Authority shall hire and train appropriate technical personnel which may be assigned to other government agencies involved in the implementation of laws, rules and regulations relative to maritime affairs.

SEC. 19. Transitory Provision. - Officials and employes of all existing offices or agencies which are abolished or reorganized under this Decree may be absorbed into the Authority on the basis of merit and fitness: Provided, That employees who shall be laid off by reason of this Decree shall be given gratuity equivalent to one month's salary, in addition to all benefits to which they are entitled under existing laws and regulations.

To carry out the provisions of this Section there is hereby appropriated the sum of Five-Hundred Thousand Pesos out of the unappropriated funds in the National Treasury.

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