



PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS
(Headquarters Philippine Coast Guard)
139 25th Street, Port Area
1018 Manila

Date_____

NHQ-PCG/MSSC

MEMORANDUM CIRCULAR
NUMBER_____

**REGULATION ON THE MANDATORY SUBMISSION OF ELECTRONIC
PASSENGER MANIFEST**

I. AUTHORITY:

- A. Republic Act No. 9993, known as The Philippine Coast Guard Law of 2009.
- B. Relevant provisions under Rule 3 (b), (c), (j), (k), (l), and (r) of the *Implementing Rules and Regulations* of R.A No. 9993.

II. REFERENCE:

- A. *HPCG/CG – 8 Memorandum Circular 07 – 12* dated 24 August 2012 (Pre - Departure Inspection).
- B. *HPCG/CG – 8 Memorandum Circular 05 – 12* dated 24 August 2012 (Master's Declaration of Safe Departure).
- C. *MARINA Circular No. 180* (Rules to govern Passenger Manifest on board Philippine Registered Passenger Ships).
- D. *DOTC Department Order Nr 2003-43* (Guidelines for Preventing Excess Passengers and Unauthorized Persons Onboard Domestic Vessels amending DOTC DO 2000-25).
- E. *DOTC Department Order Nr 2012-01* (Mandating the Strict Implementation of Precautionary Safety and Security Measures to ensure Safe, Fast, Efficient and Reliable Transportation Service; the Immediate Implementation of Quick Response Protocols; and the Immediate Investigation of Transportation- related incidents).

- F. *Republic Act No. 8792* known as the Electronic Commerce Act of 2000 “An Act Providing for the Recognition and use of Electronic Commercial and Non-Commercial Transactions and Documents, Penalties for Unlawful use thereof and for other purposes”
- G. *Republic Act No. 9295* known as the Domestic Shipping Development Act of 2004 “An Act Promoting the Development of Philippine Domestic Shipping, Shipbuilding, and Ship Repair, and Ship Breaking, Ordaining Reforms in Government Policies Towards Shipping in the Philippines, and for Other Purposes”
- H. *Republic Act No. 10173* known as the Data Privacy Act of 2012 “An Act Protecting Individual Personal Information in Information and Communication Systems in the Government and Private Sector, Creating for this purpose a National Privacy Commission, and for other purposes”

III. **PURPOSE**

This Memorandum Circular prescribes the regulations for the mandatory submission of electronic passenger manifests and establishes comprehensive guidelines and procedures for the accreditation and renewal of third-party IT service providers.

IV. **SCOPE**

- A. Application - This Memorandum Circular applies to all Philippine-registered vessels and government-owned watercrafts engaged in carrying passengers within Philippine jurisdiction in a regular route provided by MARINA, including all water conveyances, both propelled and non-propelled, used for tourism purposes. Additionally, this policy applies to all individuals or juridical entities seeking accreditation as third-party IT service providers for the implementation and use of electronic passenger manifests.
- B. Exception - This policy does not apply to government-owned ships or watercrafts not engaged in commercial trade.

V. **DEFINITION OF TERMS:**

- A. **Accredited Third-Party IT Service Providers** - any non-government entity that provides IT services on EPM with valid Certificate of Accreditation issued by the PCG.
- B. **Anniversary Date** – refers to the day and month of each year which corresponds to the expiry date of the Certificate of Accreditation.
- C. **Certificate of Accreditation** – a certification issued by the Philippine Coast Guard (PCG) through the Maritime Safety Services Command (MSSC) to qualified Third-Party IT service providers. This accreditation

signifies that the service provider has met established legal and procedural requirements for implementing and managing electronic passenger manifests. The certification is valid for a period not exceeding five (5) years.

- D. **Electronic Passenger Manifest (ePM)** – the electronic list of persons counted as passengers on board a passenger vessel for a particular voyage, using the prescribed electronic format with the required information.
- E. **IT Service Provider (ITSP)** - an entity or organization that offers various IT services to clients or customers. These services may include software development, network infrastructure management, cloud computing, cybersecurity, data analysis, technical support, and other IT-related functions.
- F. **Maritime Safety Services Command (MSSC)** - a Functional Command of the PCG tasked to organize, train, equip, maintain, and deploy Maritime Safety Services Units and personnel in order to deliver quality services for the enhancement of aids to navigation, port state control, vessel traffic management, vessel safety enforcement and inspection, marine casualty investigation, recreational services, search and rescue, salvage operations and training in order to prevent loss of life or injury of persons and damage to properties on all waters within the jurisdiction of the republic of the Philippines.
- G. **Passenger Vessel** – Refers to any vessel authorized by the Administration to carry passengers, including barges used for carriage of passengers and previous landing craft transport (LCTs) converted to roll-on roll-off (RORO) ships.
- H. **Passenger** – refers to every person other than:
 - a. The master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship;
 - b. A person on board and carried either because of obligation laid upon the master to carry shipwrecked, distressed or other person by reason of force majeure.
- I. **Renewal of Accreditation** – the application for renewal of Certificate of Accreditation after its expiration.
- J. **Survey** - an audit performed by the qualified PCG personnel from MSSC through VSSU:
 - 1. Initial Survey – survey conducted for the purpose of verification of compliance regarding a new application for accreditation.
 - 2. Intermediate Survey – survey conducted within three months of either the second or third anniversary date.

3. Annual Survey – survey conducted within three (3) months before or after each anniversary date of the Certificate of Accreditation.

4. Renewal Survey – survey conducted within three (3) months prior to the date of expiration of the existing certificate.

K. **Survey Compliance Certificate** - a document issued to indicate that a survey has been conducted and that the subject of the survey has complied with all relevant requirements and regulations. This certificate shall be issued only for the conduct of Initial and Renewal Surveys.

L. **Third-Party IT Service Providers** – any non-government entity that provides IT services related to EPM.

Any organization or entity that provides information technology (IT) services to businesses and organizations, independent of those entities.

M. **Vessel Safety Services Unit (VSSU)** – a Functional Unit in MSSC which oversees the conduct of Vessel Safety Enforcement Inspection (VSEI) and Emergency Readiness Evaluation (ERE) in the different Coast Guard Districts.

VI. POLICIES:

A. The Philippine Coast Guard (PCG) shall establish the Electronic Passenger Manifest Database System.

B. All passenger vessels are required to submit passenger manifest to the PCG Electronic Passenger Manifest Database System before each vessel's departure.

C. Implementing electronic passenger manifests will facilitate real-time access to the passenger list for Coast Guard units stationed at the port of departure, along the vessel's designated route, and at the destination port. This capability is vital for ensuring passenger safety, particularly in situations where immediate assistance may be needed.

D. The shipping companies or entities engaged in the operation of a passenger watercraft shall enlist the services of PCG-accredited Third-Party ITSPs to be able to submit their electronic passenger manifest to the PCG Electronic Passenger Manifest Database System.

E. The PCG shall accredit Third-Party ITSPs.

VII. PROCEDURES:

A. Usage of the PCG Electronic Passenger Manifest Database System

1. The PCG shall operate and maintain the PCG Electronic Passenger Manifest Database System.
2. It shall be the national database for continuous storage of all passenger manifests submitted by all watercrafts operating domestically for the carriage of passengers onboard.
3. The shipping company/ entity shall be responsible for uploading their electronic passenger manifest to the system using the PCG-accredited Third-Party ITSPs.
4. The PCG shall ensure optimum data privacy and shall not unduly disclose any information contained thereat to anybody other than the relevant PCG units unless disclosure of such information is allowed under the Data Privacy Act.
5. Any request, made by a person or entity, for information contained in the passenger manifest shall be subjected to evaluation and approval of the Commander, Maritime Safety Services Command (CMSSC).

B. Accreditation of Third-Party ITSPs

1. All accredited Third-party IT Service Providers (ITSPs) shall conduct a “Data Protection Impact Assessment” (DPIA) before handling any passenger data under the Electronic Passenger Manifest (EPM) System. The DPIA must assess potential privacy risks, outline data protection measures, and be submitted to the Philippine Coast Guard (PCG) as part of the accreditation and renewal process.
2. The PCG shall conduct annual compliance audits on all accredited ITSPs to ensure that they meet the data protection standards outlined in this Memorandum Circular. Non-compliance or failure to meet the required standards shall result in:
 - a) Temporary suspension of accreditation pending corrective action; or
 - b) Revocation of accreditation for repeated non-compliance.
3. To ensure data privacy and seamless uploading of electronic passenger manifest to the PCG Electronic Passenger Manifest Database System, shipping companies shall ensure that they are subscribed to the services of the PCG-accredited Third-Party ITSPs.
4. Individuals or juridical entities seeking accreditation as third-party IT service providers for the implementation and use of electronic passenger manifests shall comply with specific criteria. For sole proprietorships, partnerships, corporations, cooperatives, and other juridical entities, adherence to all relevant laws and regulations governing their respective legal structures in the Philippines is required. PCG shall verify applicants' compliance with these legal requirements as part of the accreditation process. Failure to demonstrate adherence may result in the denial of accreditation.

5. Any qualified individuals or juridical entities seeking accreditation as third-party IT service providers for the implementation and use of electronic passenger manifests shall follow the following accreditation procedures:
 - a) Submit an accomplished application form (Annex A) signed by the Head of the Third-party ITSP or its duly authorized representative to the Headquarters Maritime Safety Services Command (HMSSC) or to any Maritime Safety Services Unit (MSSU) in the Coast Guard Districts;
 - b) Pay the appropriate application fee;
 - c) Submit an accomplished data privacy consent Form (Annex B) to be signed by the duly authorized representative, accompanied by documentation demonstrating such authority, to the Headquarters Maritime Safety Services Command (HMSSC) or to any Maritime Safety Services Unit (MSSU) in the Coast Guard Districts;
 - d) Wait for the schedule of the conduct of initial survey to be conducted by the qualified personnel from Vessel Safety Services Unit (VSSU);
 - e) After the positive result or approval based on the survey, the applicant shall be directed to pay the appropriate accreditation fee; and
 - f) Wait for the issuance of the Certificate of Accreditation (Annex C) with a validity period of five (5) years subject to an annual survey prior to each anniversary date of the Certificate of Accreditation or intermediate survey either on the second or third-anniversary date.
6. Any PCG-accredited Third-Party ITSPs who wish to renew their accreditation shall request for renewal survey from the Headquarters Maritime Safety Services Command (HMSSC) or to any Maritime Safety Services Unit (MSSU) in the Coast Guard Districts following the requirement set forth in Section VII.B.2 and VII.B.3 of this memorandum circular three (3) months prior the 5th anniversary date of the valid certificate of accreditation.

C. Revocation of accreditation of Third-Party ITSPs

1. All certificates or permits that may be issued in relation to this MC may be revoked based on a verified complaint and upon observance of due process.

VIII. RESPONSIBILITIES

A. Every Ship Owner/ Operator/ Entities shall:

1. Choose any accredited Third-Party ITSPs that will be used as platform in submitting the vessel's EPM;

2. Assign a Designated Person or ship's crew who is duly trained or knowledgeable in using the PCG EPM Database System to upload the passenger manifest; and
3. Ensure that the passengers will present Government-issued valid IDs such as:
 - a) National ID
 - b) Passport
 - c) Seafarer's Record Book
 - d) Land Transportation Officer (LTO) Driver's License
 - e) Postal ID
 - f) TIN ID
 - g) PhilHealth ID
 - h) Social Security System (SSS) Card
 - i) Government Service Insurance System (GSIS) Card
 - j) Unified Multi-Purpose Identification (UMID) Card
 - k) Professional Regulatory Commission (PRC) ID
 - l) National Bureau of Investigation (NBI) Clearance
 - m) Voter's ID
 - n) Integrated Bar of the Philippines (IBP) ID
 - o) Senior Citizen's ID
 - p) Government Office ID; and
 - q) Validated State College/University/School ID

B. Every Ship Master/ Patron shall:

1. Submit passenger manifest to the PCG Electronic Passenger Manifest Database System before vessel's departure in lieu of the handwritten or computer-generated passenger manifest attached to the Master's Declaration of Safe Departure (MDSD); and
2. For whatever valid reasons that EPM system may not be available, the handwritten or computer-generated passenger manifest shall be done as one of the attachments of MDSD. When the system resumes to its normal operation, the EPM shall immediately be submitted.;

C. Accredited Third-Party ITSPs

1. Allow the PCG-MSSC Survey team to conduct survey of its facilities, equipment, supporting documents and personnel;
2. Pay the required fees under this MC;
3. In case of renewal, the third-party ITSPs shall apply for renewal of accreditation three (3) months prior the expiration of the Certificate of Accreditation;
4. Maintain the standard quality of services and facilities in a condition or state as required;
5. In the event of a data breach, the accredited ITSP must notify the PCG

within 24 hours of discovery. ITSPs shall be liable for any breaches of passenger data under the Data Privacy Act and must provide remedies to affected individuals, including but not limited to:

- a) Immediate steps to mitigate further damage.
- b) Notification of affected passengers and stakeholders within 72 hours.
- c) Legal liability for damages arising from the breach, including fines for failure to notify and remedy the breach promptly.

6. In case of Change of Ownership, the Accredited Third-Party ITSPs shall notify the PCG for evaluation and approval. The PCG shall conduct a re-evaluation of the ITSP's systems, security, measures, and compliance with data privacy laws. Failure to notify or meet the re-evaluation standards shall result in the immediate suspension of accreditation.

7. Maintain and provide storage and access for EPMs to PCG; and

8. Ensure that the contents of electronic documents received are not altered or modified, and refrain from making any entries unless authorized by the originator, addressee, or any third party.

9. Enter into a Contract between Shipowner/Entities.

IX. IMPLEMENTATION

During the implementation phase, the necessary systems and infrastructure will be established to support the transition to the new computerized passenger manifest system. This phase will involve a comprehensive setup, including hardware installation, software configuration, and user training to ensure that stakeholders are equipped to utilize the new system effectively.

Pilot Testing with Third-Party ITSPs:

To ensure seamless integration and functionality during the transition period, pilot testing will be conducted to integrate third-party ITSPs. This pilot phase will involve selected ITSPs to validate the system's effectiveness and gather feedback for improvements prior to full deployment. The criteria for selecting participating ITSPs will focus on their technical capabilities, relevant experience in similar implementations, and the ability to provide support during the testing phase. The results of the pilot testing will be analyzed to make necessary adjustments, ensuring that the final implementation meets operational needs and enhances service delivery.

X. FEES, FINES AND PENALTIES

A. Fees

Pursuant to the provisions of RA 10635, and its IRR, the Public Service Act, as amended: Executive Order 292 (Administrative Code of 1987); Executive Order No. 197, s. 2000 and DOF-NEDA Joint Circular No. 1-2013 and other pertinent laws, decrees, rules, and regulations, the following fees are hereby prescribed.

Application Fee, and Application for Renewal of Accreditation Fee	PHP 5,000.00
Accreditation Fee and Renewal of Accreditation Fee	PHP 10,000.00
Certified True Copy (CTC) of Certificate of Accreditation	PHP 100.00

B. Fines and Penalties

1. Failure to submit EPM for a particular voyage shall result in the corresponding penalties:

First Offense	Ten Thousand Pesos (PHP 10,000.00) plus warning
Second Offense	Fifty Thousand Pesos (PHP 50,000.00) and recommendation for the suspension of Certificate of Public Convenience/Provisional Authority/Special Permit
Third Offense	One Hundred Thousand Pesos (PHP 100,000.00) and recommendation for the cancellation of Certificate of Public Convenience/Provisional Authority/Special Permit

2. Fraudulent entry (with the evidence that the act is deliberate and with the intent to deceive) by any person shall result to a fine of PHP 30,000.00.
3. Submitting false EPMs and/or EPMs with incomplete details/entries shall result in the corresponding penalties:

First Offense	Five Hundred Pesos (PHP 500.00) per passenger/entry with spurious/incomplete details
Second Offense	Two Thousand Pesos (PHP 2,000.00) per passenger/entry with spurious/incomplete details, and recommendation for the suspension of Certificate of Public Convenience/Provisional Authority/Special Permit
Third Offense	Five Thousand Pesos (PHP 5,000.00) per passenger/entry with spurious/incomplete details, and recommendation for the cancellation of Certificate of Public Convenience/Provisional Authority/Special Permit

4. Accredited Third-Party ITSPs shall be held liable for the following acts:

a) Breach of contract shall result in the revocation of their contracts and Certificates of Accreditation, and a fine of PHP 100,000.00.

b) Violation of non-disclosure agreement shall result in the revocation of their contracts and Certificates of Accreditation, and a fine of PHP 100,000.00.

c) ITSPs operating without or with an expired PCG Certificate of Accreditation shall be fined PHP 100,000.00 and a perpetual disqualification for re application.

5. All fees and penalties mentioned in this MC shall automatically increase to ten percent (10%) every three (3) years from the effectivity of this MC.

6. The rate of fees and penalties under this MC shall be studied and evaluated by the PCG from time to time

7. In no case shall the fines and penalties provided herein bar the filing of civil or criminal liabilities arising from the Data Privacy Act or E-Commerce Act of the Philippines.

XI. SEPARABILITY CLAUSE

If for any reason, any provision of this MC is declared unconstitutional or contrary to law the other parts, or provisions hereof which are not affected thereby shall continue to be in full force and effect.

XII. REPEALING CLAUSE (RESCISSION)

This MC rescinds all other publications contrary to the provisions stated herein.

All Memorandum Circulars, rules and regulations, issuances inconsistent herewith are hereby amended or repealed accordingly.

XIII. TRANSITORY CLAUSE

To ensure a seamless transition to the Electronic Passenger Manifest (EPM) system in collaboration with authorized third-party IT service providers, a structured transition period will be established.

This Memorandum Circular serves as the foundational framework, and detailed implementation phases, procedural guidelines, and specific timelines for compliance will be provided in a supplementary issuance within sixty (60) days from the effectivity of this Circular.

During the transition period, covered entities may continue to utilize their existing passenger manifest systems, facilitating a phased shift towards full compliance with EPM requirements. Fines, fees, and penalties outlined in Section X of this Circular will not be imposed on any entities until the full implementation of the EPM system, as detailed in the supplementary issuance.

The supplementary issuance will delineate specific implementation stages tailored to the needs of the concerned parties, along with designated timelines to achieve EPM standards in an organized and efficient manner.

At the conclusion of this transition period, compliance with the Electronic Passenger Manifest system will be mandatory for all covered entities.

XIV. EFFECTIVITY

This Memorandum Circular shall take effect fifteen (15) days after publication in a newspaper of general circulation in the Philippines.

ADMIRAL RONNIE GIL L GAVAN PCG
Commandant, Philippine Coast Guard

Approved by:

JAIME J. BAUTISTA
Secretary, DOTR

- Annexes:
- a. Application for Accreditation Form*
 - b. Data Privacy Consent Form*
 - c. Certificate of Accreditation*
 - d. Prescribed Electronic Passenger Manifest Form*

