



**PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS  
(HEADQUARTERS, PHILIPPINE COAST GUARD)  
139 25th Street, Port Area  
Manila**

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**HPCG/CG9**

**MEMORANDUM CIRCULAR  
NUMBER NR . . . . .**

**RULES AND REGULATIONS ON PREVENTION, CONTAINMENT,  
ABATEMENT AND CONTROL OF OIL MARINE POLLUTION BY LAND-  
BASED FACILITIES/ DOWNSTREAM/ MIDSTREAM SECTOR AND  
PROVIDING PENALTIES THEREOF**

**AUTHORITY**

1. Republic Act No. 9993: The Philippine Coast Guard Law of 2009 and Its Implementing Rules and Regulations;
2. Republic Act No. 9483: Oil Pollution Compensation Act of 2007 and Its Implementing Rules and Regulations;
3. Republic Act No. 9275: Philippine Clean Water Act of 2004 and Its Implementing Rules and Regulations;
4. Republic Act No. 8550: The Philippine Fisheries Code of 1998;
5. Presidential Decree No. 979: Marine Pollution Decree of 1976; and
6. Presidential Decree No. 602: National Oil Pollution Operations Center Decree.

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**REFERENCES**

1. Republic Act No. 7586: National Integrated Protected Areas System Act of 1992 (NIPAS Act);
2. Presidential Decree No. 1152: Environmental Code of the Philippines;
3. National Oil Spill Contingency Plan (NOSCAP);
4. Annex I of the International Convention for the Prevention of Pollution from Ships, MARPOL 73/78;
5. International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC);
6. International Convention on Civil Liability for Oil Pollution Damage (CLC);
7. International Oil Pollution Compensation Fund 1992; and
8. Supreme Court Administrative Matter No. 09-6-8-C (Rules of Procedure for Environmental Cases).

## REGULATION 1 PURPOSE

To establish the policy and provide the rules and regulations for an effective prevention, containment, abatement and control of oil marine pollution by land-based facilities/downstream/midstream sector within the Philippine maritime jurisdiction in accordance with the abovementioned laws and to provide penalties for violations thereof.

## REGULATION 2 SCOPE

This Memorandum Circular shall apply to all downstream sector such as but not limited to, oil terminals, depots, factories, refineries as well as shipyards; diesel or oil-fired power barges and power plants; oil and oily waste treatment facilities operating near or within the Philippine maritime jurisdiction, including ports, coastlines, lakes and their tributaries.

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## REGULATION 3 DEFINITION OF TERMS

For the purpose of this circular, the following terms shall be defined as:

1. **1992 Civil Liability Convention** – means the 1992 International Convention on Civil Liability for Oil Pollution Damage
2. **Aquatic Pollution** – the introduction by human or machine, directly or indirectly of substances or energy to the aquatic environment which result or is likely to result in such deleterious effects as to harm living and non-living aquatic resources, pose potential and/or real hazard to human health, hindrance to aquatic activities such as fishing and navigation, including dumping/disposal of waste and other radioactive, noxious or harmful liquid, gaseous or solid substances from any water, land or air transport or other human-made structure.
3. **Black Products** - refers to petroleum products including but is not limited to crude oil, fuel oil, heavy diesel and lubricating oil;
4. **Bund Wall** – a concrete or earth wall surrounding a storage tank containing crude oil or its refined product, designed to hold the contents of the tank in the event of rupture or leak. It is a secondary containment system commonly used to protect environments from spills where chemicals are stored;
5. **Claims**- a demand made in writing to compensate pollution damage and to include prevention, protection, clean-up and rehabilitation cost resulting from oil spill;

6. **Consequential Loss** – loss incurred as a result of being unable to use business property or equipment;
  7. **Crude Oil** – means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation and includes:
    - 7.1 Crude oil from which certain distillate fractions may have been removed; and
    - 7.2 Crude oil to which certain distillate fractions may have been added
  8. **Deficiency** – a condition found not to be in compliance with the requirements of the relevant marine environmental protection (MEP) regulations;
  9. **Discharge**– means any release of harmful substances or effluents containing such substances howsoever caused from a ship or facility and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;
  10. **Downstream sector**– Involves the refining of petroleum crude oil and the processing of raw natural gas. It includes the selling and distribution of processed natural gas and products derived from petroleum crude oil such as liquefied petroleum gas (LPG), gasoline (or petrol), jet fuel, diesel oil, other fuel oils, petroleum asphalt, etc.
  11. **ECC**- means *Environmental Compliance Certificate* is a document issued by DENR/EMB after a positive review of the ECC application, certifying that based on the representations of the proponent, the proposed project or undertaking will not cause significant negative environmental impact.
  12. **Effluent**- discharge from vessels and other known sources which is passed into a body of water or land, or wastewater flowing out of a domestic, commercial, industrial and recreational facilities;
  13. **Facilities**- shall include power plants, shipyards, oil refineries, oil depots, oil terminals, ports jetties, oil rigs either fixed or floating platforms, cargo terminals, ferry terminal facilities and other establishments capable of causing oil pollution within Philippine maritime jurisdiction;
  14. **Initial Oil Spill Response** – pertains to the immediate response measures required to prevent or mitigate further damage of oil pollution in the affected area.
- ~~*In rem* – Latin term which means “against a thing,” pertains to legal action directed toward the property rather than toward a particular person;~~
- ~~16-15.~~ **Marine Protected Area**- a water area within the Philippine maritime jurisdiction declared under existing laws as marine parks, marine sanctuaries including but not limited to reefs, shoals, mangroves, atolls such as Tubattaha Reefs, Verde Island Passage, Sulu Sulawesi water area and other areas to be declared as such;

~~17-16.~~ **MARINA** – means Maritime Industry Authority;

~~18-17.~~ **Midstream Sector**—involves storing, marketing and transporting petroleum crude oil, natural gas liquids (mainly ethane, propane and butane) and byproduct sulfur. Midstream operations are sometimes included in the downstream category.

~~19-18.~~ **Oil**- petroleum in any form including crude oil, fuel oil, sludge, oil refuses and refined products, except petrochemicals which are subject to the provisions of Annex II of MARPOL 73/78, oil mixed in dredge spoils, and oil listed in the *Annex 1* of this Circular;

~~20-19.~~ **Oil Marine Pollution** – release or escape of oil into the marine areas from water to shore and vice versa, from ships, tankers, offshore sources, coastal facilities and other human activities which impaired the marine environment.

~~21-20.~~ **Oil Spill Dispersant**- any chemical substance or a combination of chemical substances that breaks oil into particles such that it facilitates the dispersion, evaporation and biodegradation of the oil;

~~22-21.~~ **Oil Spill Response (OSR)**- any oil spill response operation or activity for the prevention, containment, abatement and control of oil pollution in Philippine maritime jurisdiction;

~~23-22.~~ **Oil Spill Prevention and Response Organization (OSRO)**- an entity duly accredited by the PCG authorized to provide oil spill response services in the event of oil spill within the Philippine maritime jurisdiction;

~~24-23.~~ **Oil Tanker**- a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers, any Noxious Liquid Substance (NLS) tanker as defined in Annex II MARPOL 73/78 and gas carrier as defined in SOLAS 74 when it is carrying a cargo or part cargo of oil in bulk.

~~25-24.~~ **Oily mixture**—a mixture with any oil content;

~~26-25.~~ **Owner** – means the person registered as the owner of the facility, vessel or oil tanker or, in the absence of registration, the person or persons owning the Ship. However, in case of a Ship owned by a State and operated by a company which in that State is registered as the Ship's operator, "Owner" shall mean such company

~~26. PCG shall mean the Philippine Coast Guard. All equipment and documents which required the approval of the PCG shall indicate approval of the Commandant, PCG.~~

~~27-26.~~ **Philippine Maritime Jurisdiction (Philippine Waters)**— include all water within the Philippine territory such as lakes, rivers, streams, creeks, brooks, ponds, swamps, lagoons, gulfs, bays and seas and other bodies of water now existing or which may hereafter exist in the provinces, cities, municipalities, and barangays and the waters around, between and connecting the islands of the archipelago regardless of their breadth and dimensions, the territorial sea, the sea beds, the insular shelves, and all other

waters over which the Philippines has sovereignty and jurisdiction including the 200-nautical miles Exclusive Economic Zone and the continental shelf.

**28-27. Persistent Oil** - oil which are normally classified as persistent include crude oils, fuel oils, heavy diesel and lubricating oils;

**29-28. Pollution damage— means:**

28.1 Loss or damage caused by the escape or discharge of oil from the facilities provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken;

28.2 The costs of preventive measures and further loss or damage caused by preventive measure.

**30-29. Precautionary Principle** –a principle of law which states that when human activities may lead to threats of serious and irreversible damage to the environment that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that threat.

**31-30. Preventive Measure** – means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

**32-31. Polluter Pays Principle** – a general principle of international law which states that the costs of environmental control fall primarily on the polluters.

**33-32. Pure Economic Loss** – financial damage suffered as the result of the negligent act of another party which is not accompanied by any physical damage to a person or property;

**34-33. Response Operation** – the execution of oil spill response measures including but not limited to assessment of the incident, skimming, dispersing, shoreline protection and shoreline cleaning. The duration of each response operation shall depend on the circumstances of the oil incident to be determined by the Commander of the concerned Coast Guard District for Tier I and Tier II Spill upon consultation with the Marine Environmental Protection Command (MEPCOM), Local Government Unit/s (LGU/s) and other concerned government agencies. In Tier III Spill the Commandant, Philippine Coast Guard with the recommendation of CMEPCOM upon consultation with the concerned LGU/s, Coast Guard District and other government agencies shall determine the duration of the response and termination operation;

**35-34. Special area**- a sea area within the Philippine maritime jurisdiction where recognized technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic the adoption of special mandatory methods for the prevention of sea pollution by oil is required or any other sea area as may be defined by existing law;

~~36-35.~~ **Threat of Oil Spill** – when no actual discharge of oil has occurred but is a probability that one could occur due to damage, failure or breakdown of machinery including but not limited to valves, pipes, tanks and tank farms, which pose threat to bodies of water within the Philippine Maritime Jurisdiction.

~~37-36.~~ **Tier Level/ Classification-** shall be based on the following criteria:

36.1 Tier I Spill- a discharge of less than 10,000 (10 m<sup>3</sup>) liters of oil;

36.2 Tier II Spill- a discharge of 10,000 to 1,000,000 (1000 m<sup>3</sup>) liters of oil;

36.3 Tier III Spill- a discharge of more than 1,000,000 (1000 m<sup>3</sup>) liters of oil;

However, in the determination of initial tier level/ classification response, due consideration shall be taken based on the Environmental Impact of the oil spill as an initial assessment in accordance with Net Environmental Benefit Analysis (NEBA) by the PCG.

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~~37. Upstream sector — In the petroleum industry, locating underground or underwater oil reserves characterizes the upstream process. The upstream process in this industry involves bringing oil and gas to the surface. The upstream sector includes searching for potential underground or underwater crude oil and natural gas fields, drilling exploratory wells, and subsequently drilling and operating the wells that recover and bring the crude oil and/or raw natural gas to the surface.~~

## POLICIES

1. The “*precautionary principle*” and the “*polluter pays principle*” as embodied in applicable laws and international conventions are to be fully adopted in the application, enforcement and interpretation of any of the provisions in this Circular, as well as in any dispute or adjudication arising from or in connection with this Circular.
2. All coastal and onshore downstream facilities for oil refinery, depot and terminal operators, shipyards including power barges, are required to prevent and control pollution of the marine environment by oil and the minimization of accidental discharge of such substance, likewise the same are strictly accountable for any and all liabilities arising from oil marine pollution.
3. All bunkering/transferring operations shall be carried out in accordance with the International Safety Guide for Oil Tankers and Terminals (ISGOTT).
4. All downstream sector and others facilities covered by this Circular shall report the oil spill incident immediately or within ~~three (3)~~ **one (1)** hour to the PCG from its occurrence.
5. All downstream sector and others facilities covered by this Circular shall conduct regular Oil Spill Response Training to enhance the capacity of its Oil

Spill Response Team. Concerned facilities shall maintain records said training and certification of its personnel.

6. All downstream sector and others facilities covered by this Circular shall conduct regular Oil Spill Response Drill/ Exercise to enhance its capability to respond to any oil spill incident that may occur. The facilities shall maintain records of the said drill/exercise/inspection. See annex 9
7. In pursuit of effective regulatory framework for the prevention, abatement, containment and control of oil marine pollution, the role of the private sector and downstream players are hereby recognized and affirmed.
8. All downstream sector and others facilities covered by this Circular shall maintain an Inspection Record Book (which shall serve as a permanent record of all deficiencies discovered in the course of every inspection. (See Annex 9)

## REGULATION 5 PROHIBITION

### PROHIBITED ACTS

It shall be unlawful for any person or entity, including all downstream sector and others facilities covered by this Circular to:

1. Discharge any oil or oily mixture from plant machinery spaces, storage tanks and tank farms into the bodies of water within Philippine maritime jurisdiction; and
2. Discharge of oil or oily mixture from downstream sector facilities (e.g. oil depots, jetties, power plants, oil refineries, oil terminals, ports, jetties), and others (e.g. shipyards, and treatment facilities) capable of causing oil pollution into the sea or any bodies of water within the Philippine maritime jurisdiction.

## REGULATION 6 REQUIREMENTS

### A. Depot/Terminal

REQUIRED MARPOL EQUIPMENT	REQUIRED QUANTITY
1) Oil Spill Boom	305 meters of containment boom or 2x the length of the largest vessel that regularly conducts oil transfer for regular operations but additional lengths to be required to contain 10% of worst case oil discharged by availability or by contract
2) Oil Spill Recovery System (i.e. Skimmer System)	Oil Skimmer with an effective daily recovery capacity equal to collecting up to 204, 412 Liters or 10% of the worst case discharge whichever is lower

3) Oil Spill Kit – 416 (416 L Capacity)	10 sets
4) Waste Disposal Bag	4 each Yellow Temporary Disposal Bags & Ties 30"x6"x60"
5) Utility Box	48" x 31' x 31.5" Utility Box with Wheels
6) PPE: 6.1) Nitrile Gloves 6.2) Safety Goggles 6.3) Tyvek Coveralls 6.4) Chemical Resistant Boots	6.1) 20 units 6.2) 20 units 6.3) 20 units 6.4) 20 units
7) Temporary Storage Tank	408, 824 L Capacity or 2x the effective daily recovery capacity of the recovery device
8) Vacuum System (Skimmer)	1 Unit capable of handling land based spills in remote areas
9) Workboat	Workboat capable of deploying Oil Spill Boom within one (1) hour of discharge and can be used for oil on water recovery operations

#### B. Oil Refineries

REQUIRED MARPOL EQUIPMENT	REQUIRED QUANTITY
1) Oil Spill Boom	305 meters of containment boom or 2x the length of the largest vessel that regularly conducts oil transfer for regular operations but additional lengths to be required to contain 10% of worst case oil discharged by availability or by contract
2) Oil Spill Recovery System (i.e. Skimmer System)	Oil Skimmer with an effective daily recovery capacity equal to collecting up to 204, 412 Liters or 10% of the worst case discharge whichever is lower
3) Oil Spill Kit – 416 (416 L capacity):	10 sets
4) Waste Disposal Bag	4 each Yellow Temporary Disposal Bags & Ties 30"x6"x60"
5) Utility Box	48" x 31' x 31.5" Utility Box with Wheels
6) PPE: 6.1) Nitrile Gloves 6.2) Safety Goggles 6.3) Tyvek Coveralls 6.4) Chemical 6.5) Resistant Boots	6.1) 20 units 6.2) 20 units 6.3) 20 units 6.4) 20 units 6.5) 20 pairs
7) Temporary Storage Tank	408, 824 Liters Capacity or 2x the effective daily recovery capacity of the recovery device
8) Vacuum System (Skimmer)	1 Unit capable of handling land based spills in remote areas



9) Workboat	Workboat capable of deploying Oil Spill Boom within one (1) hour of discharge and can be used for oil on water recovery operations
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#### C. Shipyard

REQUIRED MARPOL EQUIPMENT	REQUIRED QUANTITY
1) Oil Spill Boom	305 meters of containment boom or 2x the length of the largest vessel that regularly conducts oil transfer for regular operations but additional lengths to be required to contain 1% of worst case oil discharged by availability or by contract
2) Oil Spill Recovery System (i.e Skimmer System)	Oil Skimmer with an effective daily recovery capacity equal to collecting up to 7,950 Liters or 1% of the worst case discharge whichever is higher
3) Oil Spill Kit – 416 (416 L Capacity):	5 sets
4) Waste Disposal Bag	4 each Yellow Temporary Disposal Bags & Ties 30"x6"x60"
5) Utility Box	48" x 31" x 31.5" Utility Box with Wheels
6) PPE: 6.1) Nitrile Gloves 6.2) Safety Goggles 6.3) Tyvek Coveralls 6.4) Chemical Resistant Boots	6.1) 10 units 6.2) 10 units 6.3) 10 units 6.4) 10 units
7) Temporary Storage Tank	15,900 L Capacity or 2x the effective daily recovery capacity of the recovery device
8) Vacuum System (Skimmer)	1 Unit capable of handling land based spills in remote areas
9) Workboat	Workboat capable of deploying Oil Spill Boom within one (1) hour of discharge and can be used for oil on water recovery operations

#### D. Oil Waste Treatment Facilities

REQUIRED MARPOL EQUIPMENT	REQUIRED QUANTITY
1) Oil Spill Kit – 416 (416 L Capacity):	5 sets
2) Waste Disposal Bag	4 each Yellow Temporary Disposal Bags & Ties 30"x6"x60"
3) Utility Box	48" x 31" x 31.5" Utility Box with Wheels
4) PPE: 4.1) Nitrile Gloves 4.2) Safety Goggles 4.3) Tyvek Coveralls 4.4) Chemical Resistant Boots	4.1) 10 units 4.2) 10 units 4.3) 10 units 4.4) 10 pairs

5) Temporary Storage Tank	272,550 L Capacity or 2x the effective daily recovery capacity of the recovery device
6) Vacuum System (Skimmer)	1 Unit capable of handling land based spills in remote areas

**E. Other Facilities/ Storing/ Using Diesel Or Oil Power Barges And Power Plants**

REQUIRED MARPOL EQUIPMENT	REQUIRED QUANTITY
1) Oil Spill Boom	305 meters of containment boom or 2x the length of the largest vessel that regularly conducts oil transfer for regular operations but additional lengths to be required to contain 10% of worst case oil discharged by availability or by contract
2) Oil Spill Recovery System (i.e. Skimmer System)	Oil Skimmer with an effective daily recovery capacity equal to collecting up to 136,275 Liters or 10% of the worst case discharge whichever is lower
3) Oil Spill Kit – 416 (416 L Capacity)	5 sets:
4) Waste Disposal Bag	4 each Yellow Temporary Disposal Bags & Ties 30"x6"x60"
5) Utility Box	48" x 31" x 31.5" Utility Box with Wheels
6) PPE:	
6.1) Nitrile Gloves	6.1) 10 units
6.2) Safety Goggles	6.2) 10 units
6.3) Tyvek Coveralls	6.3) 10 units
6.4) Chemical Resistant Boots	6.4) 10 pairs
7) Temporary Storage Tank	272,550 L Capacity or 2x the effective daily recovery capacity of the recovery device
8) Vacuum System (Skimmer)	1 Unit capable of handling land based spills in remote areas
9) Workboat	Workboat capable of deploying Oil Spill Boom within one (1) hour of discharge and can be used for oil on water recovery operations

1. All downstream and midstream sector facilities shall be equipped with oil containment, protective, and recovery equipment, dispersants and other MARPOL combating equipment and accessories duly accredited by the PCG designed to control, mitigate and respond to oil spill incidents, as follows:

- 1.1 All downstream sector facilities with storage capacity of one million (1,000,000)liters and above shall be equipped with MARPOL combating equipment equivalent to Tier II oil spill response or may enter into a contract with an OSRO.

2. Other facilities including diesel or oil-fired power barges and power plants shall be equipped with oil containment, protective, and recovery equipment, dispersants and other MARPOL combating equipment and accessories duly accredited by the PCG designed to control, mitigate and respond to oil spill incidents, as follows: (where?)
  - 2.1 Other facilities including diesel or oil-fired power barges and power plants with storage capacity of above ten million (10,000,000) liters shall be equipped with MARPOL combating equipment equivalent to Tier II oil spill response or may enter into a contract with an OSRO.
3. Transfer operations by facilities involving oil from ships to shore or vice versa shall be conducted in accordance with International Safety Guides for Oil Tankers and Terminals (ISGOTT).
4. Pre-booming requirements shall be applied to transfer operations where the oil transferred is persistent oil.
  5. Transfer operations involving highly flammable or light oils such as gasoline and kerosene shall commence only when the depot or refinery has combustible gas analyzers in the vicinity of the discharge area to monitor operations and a sound alarm system in case of any excessive fumes.
  6. All facilities covered by this Circular shall submit to PCG their respective Oil Spill Contingency Plans (OSCP) in accordance with the National Oil Spill Contingency Plan (NOSCOP) for review and approval of the Commander, MEPCOM for execution in case of any oil spillage in their areas. Said plan shall also be subjected to an actual yearly drill exercises to be monitored and evaluated by MEPCOM.
  7. All downstream/midstream sector and others facilities covered by this Circular shall notify the PCG prior the conduct of bunkering/transferring operations and shall comply and submit the documents required.
  8. All downstream/midstream sector and other facilities covered by this Circular shall organize and maintain an Oil Spill Response Team capable of responding to the Tier level/ classification of oil spill incidents corresponding to the volume of oil products in the said facilities. In addition, the same shall conduct regular team training at least every six (6) months on responders capacity development, managing oil spill operations, handling, and operations of MARPOL combating equipment to be monitored and evaluated by MEPCOM.
  9. All downstream/midstream sector and others facilities covered by this Circular, including power barges, shall conclude a contract with an accredited OSRO for the immediate conduct of complete oil spill response operations within 48 hours.
  10. The packages used to transport oily waste shall be adequate to minimize the possibility of spill in the marine environment and shall be clearly marked.

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11. Use of chemical dispersants during any oil spill shall be duly accredited and approved by the PCG.

12. The use of chemical dispersant during any oil spill shall be duly approved by the PCG. (SAME AS NO. 11)

#### REGULATION 7 SCHEDULE OF FEES

Prescribed fees for the following documents shall be subject to an annual increase based on inflation as determined by the National Economic and Development Authority (NEDA) or any appropriate government agency tasked to declare inflation rates:

- |   |              |
|---|--------------|
| A. OSCP- Approval                                   | - P 5,000.00 |
| B. Land-based Facility Inspection and Certification | - P 5,000.00 |

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#### REGULATION 8 PREVENTIVE MEASURES IN OIL TRANSFER OPERATIONS

As a preventive measure, ~~downstream sector such as but not limited to, oil terminals, depots, factories, refineries as well as ship yards; diesel or oil-fired power barges and power plants; oil and oily waste treatment facilities operating near or within the Philippine maritime jurisdiction, including ports, coastlines, lakes and their tributaries all onshore facilities engaged in the exploration, production, refining, storage, and distribution of oil and petroleum products, including power barges shall install, secure and wrap proper oil spill containment booms around the oil tanker prior to and during the entire un-loading, loading and transfer operations of oil with quantity of above ten thousand (10,000) liters. This preventive measure shall be undertaken by the facility through an OSRO.~~

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#### REGULATION 9 POLICY ON OIL SPILL INCIDENT

1. In case of an oil spill or a threat thereof, the owner and/or any person in charge of the facilities operating within the Philippine maritime jurisdiction responsible for the oil pollution shall immediately notify the nearest PCG unit and the appropriate OSRO, where applicable, giving particulars of the incident. This information shall include the name of ship/s, location, weather condition, type of threat or spill, estimated quantity, type and cargo description of oil spilled, or any other information necessary for initial oil spill response operation.
2. The spiller shall have the primary responsibility of conducting oil pollution response operation by contracting an OSRO, ~~prior to entry within Philippine territory~~, the PCG in this case shall supervise the oil pollution response and clean-up operations, or in case of a threat of oil pollution, ~~the owner and/or~~

~~master of the ship or~~ the owners/operators of the facilities shall immediately measures, under the supervision of the PCG.

3. The OSRO shall immediately mobilize, upon due notification, its MARPOL equipment immediately to combat, control and contain the spill in accordance with the International accepted practices with due consideration to its environmental impact based on Net Environmental Benefit Analysis (NEBA).
4. When the spiller refused or failed to take immediate action, or is incapable of taking such immediate action, the Philippine Coast Guard (PCG) shall promptly conduct an initial oil spill and clean-up operation response at the expense of the spiller. The PCG thru NOCOP upon conducting the initial response may call upon the services of an OSRO, who shall undertake appropriate oil spill response and clean-up operations at the expense of the spiller. The PCG thru NOCOP may call upon the services of more than one OPSRO as the circumstances may warrant.
5. Pursuant to the "Polluter Pays Principle", the spiller shall be solely liable for all costs and expenses incurred in any oil spill response operations conducted by an OSRO, whether such response is conducted pursuant to a contract between the spiller and the OSRO or pursuant to a call by the PCG in accordance with the immediately preceding provision.
6. The PCG shall supervise the conduct of oil pollution response and clean-up operations of OSRO and take necessary action to mitigate further damage to marine environment and as well as ensure safety, health, and security of responders.
7. The oil spill response operations shall be in accordance with the provisions of the existing National Oil Spill Contingency Plan (NOSOP) and District/Station Oil Spill Contingency Plan.

#### **REGULATION 10 VIOLATIONS, FINES AND PENALTIES**

1. For any violation of prohibited discharges in Regulation 5 herein, the corresponding administrative fines and/or penalties shall be imposed:
  - 1.1 Tier I Discharge - not less than Php50,000.00 but not more than Php300,000.00
  - 1.2. Tier II Discharge - above Php300,000.00 but not more than Php600,000.00
  - 1.3. Tier III Discharge - above Php600, 000.00 but not more than Php1, 000,000.00

Imposition of administrative fines and / or penalties are further explained in *Annex 5*.

#### **2. Depot/Terminal**

Requirements	Violation/s(s)	No. of Offense(s)	Penalty Disposition/ Remarks
Oil Spill Boom	<ul style="list-style-type: none"> <li>- Not available <u>in the facility</u> or <del>onboard</del></li> <li>- Not enough as required</li> </ul>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies
Oil Spill Recovery System (i.e. skimmer system)	<ul style="list-style-type: none"> <li>- <u>Not available in the facility</u> or <u>Not available aboard</u></li> <li>- Not enough as required</li> </ul>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
10 sets of Oil Spill Kit 416 (416L capacity)	Incomplete set	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Waste Disposal Bag	<ul style="list-style-type: none"> <li>- <u>Not available in the facility</u> or <u>Not available aboard</u></li> <li>- Not enough as required</li> </ul>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,

Utility Box	- <u>Not available in the facility</u> <del>Not available aboard</del>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
20 pairs –Personnel Protective Equipment	- <u>Not available in the facility or</u> <del>Not available aboard</del> - Incomplete set	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Temporary Storage Tank	- <u>Not available in the facility</u> <del>Not available aboard</del>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Vacuum System (Skimmer)	- <u>Not available in the facility</u> <del>Not available aboard</del>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
		1 <sup>st</sup> Offense	- Rectify within 10 calendar days

Aluminum Boat with OBM	- <del>Not available in the facility</del> - <del>Not available aboard</del>	2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,

### 3. Oil Refineries

Oil Spill Boom	- <del>Not available in the facility</del> or - <del>Not available aboard</del> - Not enough as required	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Oil Spill Recovery System (i.e. skimmer system)	- <del>Not available in the facility</del> or - <del>Not available aboard</del> - Not enough as required	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
10 sets of Oil Spill Kit 416 (416L capacity)	Incomplete set	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Waste Disposal Bag		1 <sup>st</sup> Offense	- Rectify within 10 calendar days



	- <u>Not available in the facility</u> or <u>Not available aboard</u> - Not enough as required	2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Utility Box		1 <sup>st</sup> Offense	- Rectify within 10 calendar days
	- <u>Not available in the facility</u> <u>Not available aboard</u>	2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
20 pairs –Personnel Protective Equipment		1 <sup>st</sup> Offense	- Rectify within 10 calendar days
	- <u>Not available in the facility</u> or <u>Not available aboard</u> - Incomplete set	2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Temporary Storage Tank		1 <sup>st</sup> Offense	- Rectify within 10 calendar days
	- <u>Not available in the facility</u> <u>Not available aboard</u>	2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Vacuum System (Skimmer)	- <u>Not available in the facility</u> <u>Not available aboard</u>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00

		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Aluminum Boat with OBM	- Not available in the facility Not available aboard	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,

#### 4. Treatment Facilities

5 sets of Oil Spill Kit 416 (416L capacity)	Incomplete set	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Oily Waste Treatment Facility		1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Waste Disposal Bag		1 <sup>st</sup> Offense	- Rectify within 10 calendar days

	- Not available in the facility or	2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
	- Not enough as required	3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Utility Box	- Not available in the facility	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
10 pairs –Personnel Protective Equipment	- Not available in the facility or - Not enough as required	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Temporary Storage Tank	- Not available in the facility	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,

Vacuum System (Skimmer)	- Not available in the facility	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,

#### 5. Shipyard

Oil Spill Boom	- <u>Not available in the facility</u> or <u>Not available onboard</u> - Not enough as required	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Oil Spill Recovery System (i.e. skimmer system)	- <u>Not available in the facility</u> or <u>Not available aboard</u> - Not enough as required	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized

			government agency/ies ,
5 sets of Oil Spill Kit 416 (416L capacity)	Incomplete set	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Waste Disposal Bag	<ul style="list-style-type: none"> <li>- <u>Not available in the facility</u> or <u>Not available aboard</u></li> <li>- Not enough as required</li> </ul>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Utility Box	<ul style="list-style-type: none"> <li>- <u>Not available in the facility</u> or <u>Not available aboard</u></li> </ul>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
10 pairs –Personnel Protective Equipment	<ul style="list-style-type: none"> <li>- <u>Not available in the facility</u> or <u>Not available aboard</u></li> <li>- Not enough as required</li> <li>- Incomplete set</li> </ul>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order

			from authorized government agency/ies ,
Temporary Storage Tank	- Not available in the facility Not available aboard	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Vacuum System (Skimmer)	- Not available in the facility Not available aboard	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Aluminum Boat with OBM	- Not available in the facility Not available aboard	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,

#### 6. Other Facilities Storing/Using Oil/Petroleum Products

Oil Spill Boom	- Not available in the facility or Not available onboard - Not enough as required	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or

			issuance of stop/cease operations order from authorized government agency/ies ,
Oil Spill Recovery System (i.e. skimmer system)	<ul style="list-style-type: none"> <li>- <u>Not available in the facility</u> or <u>Not available aboard</u></li> <li>- Not enough as required</li> </ul>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
5 sets of Oil Spill Kit 416 (416L capacity)	Incomplete set	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Waste Disposal Bag	<ul style="list-style-type: none"> <li>- <u>Not available in the facility</u> or <u>Not available aboard</u></li> <li>- Not enough as required</li> </ul>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Utility Box	<ul style="list-style-type: none"> <li>- <u>Not available in the facility</u> <u>Not available aboard</u></li> </ul>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit

			to operate or issuance of stop/cease operations order from authorized government agency/ies ,
10 pairs –Personnel Protective Equipment	<ul style="list-style-type: none"> <li>- <u>Not available in the facility</u> or <u>Not available aboard</u></li> <li>- Not enough as required</li> <li>- Incomplete set</li> </ul>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Temporary Storage Tank	<ul style="list-style-type: none"> <li>- <u>Not available in the facility</u> <u>Not available aboard</u></li> </ul>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Vacuum System (Skimmer)	<ul style="list-style-type: none"> <li>- <u>Not available in the facility</u> <u>Not available aboard</u></li> </ul>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Aluminum Boat with OBM	<ul style="list-style-type: none"> <li>- <u>Not available in the facility</u> <u>Not available aboard</u></li> </ul>	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00



		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
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For any Gross Violation committed against the provisions of this Memo Circular, an additional administrative fine and/or penalty of One Hundred Thousand Pesos (PHP100,000.00) shall be imposed. "Gross Violation" shall consist of the following:

Non-compliance of two or more requirements under Regulation 67	Admin fine of Php100,000.00
Failure of the spiller to report the oil spill incident immediately or within three (3) hours to the PCG unit from its occurrence	Admin fine of Php100,000.00
Failure to pay the fines imposed by the Investigation and Adjudication Officer (IAO) as a result of the finality of the investigation and adjudication	Admin fine of Php100,000.00
Failure to execute a contract with an OSRO within 48 hours for the conduct of an oil spill response and clean-up operations	Admin fine of Php100,000.00
Failure to install, secure and wrap around proper oil spill containment boom through OSRO, as applicable, when transferring oil of above 50,000 liters from/to a tanker or an oil facility	Admin fine of Php100,000.00
Failure of the spiller to undertake oil pollution clean-up operations despite being required and directed by the PCG (effective after 24 hours of written notice) which results in serious injury or loss of life or irreversible water contamination	Admin fine of Php100,000.00
Failure of the facility to conduct regular Oil Spill Response Training, Drill/Exercise	Admin fine of Php100,000.00
Failure of the facility to maintain and record all Oil Spill Response Training, Drill/Exercise conducted	Admin fine of Php100,000.00

Requirements	Violation(s)	No. of Offense(s)	Penalty Disposition/ Remarks
Oil Spill Contingency Plan (OSCP)	- No approved OSCP	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00

		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,
Oil Spill Responders Training (Personnel)	- No record of training	1 <sup>st</sup> Offense	- Rectify within 10 calendar days
		2 <sup>nd</sup> Offense	- Admin fine of not less than Php50,000.00
		3 <sup>rd</sup> Offense	- Recommend cancellation of permit to operate or issuance of stop/cease operations order from authorized government agency/ies ,

1. For any violation of prohibited discharges in Regulation 58 herein, the corresponding administrative fines and/or penalties shall be imposed:

- 1.1 *Tier I Discharge*— not less than Php50,000.00 but not more than Php300,000.00
- 1.2 *Tier II Discharge*— above Php300,000.00 but not more than Php600,000.00
- 1.3 *Tier III Discharge*— above Php600, 000.00 but not more than Php1,000,000.00

Imposition of fines and penalties are — 2. — The above-mentioned administrative fines and/or penalties shall be imposed for each day of violation commencing from the date of spill or from the actual date of discharge until the affected areas and the water quality returned to a clean water condition based on standards provided by Republic Act No. 9275 (Clean Water Act) and its implementing rules and regulations

2. The aforementioned administrative fines and penalties imposed in this Circular shall automatically be increased by ten percent (10%) every three (3) years from the effectivity of this Memorandum Circular to compensate for inflation and to maintain the deterrent effect of such fines; (Please see regulation 11)

3. Any person who refuses, obstructs or hampers the entry of the duly authorized representatives of the Department of Transportation and Communications, the PCG or any person authorized under R.A. No. 9483 or the Oil Compensation Act aboard any ship or establishment shall be liable to pay a fine not exceeding Php100,000.00.

4. Facilities which failed to carry out pre-booming requirements during oil transfer operations shall be liable to pay a fine of Php100,000.00.
5. The fines and penalties herein prescribed shall be imposed only after the offender shall have been found liable or responsible for the imputed violations in an administrative investigation. ~~When the offender deliberately failed or refused to pay the required fines or penalties, the ship (oil tanker) involved shall be likewise be detained until upon payment of such fines and penalties. Moreover, in the event that the offender is unable to pay such fine and/or penalties, it shall constitute as lien on the oil tanker to satisfy the said fines and/or penalties.~~
6. The above-mentioned fines and penalties are without prejudice to any civil and/or criminal action which may be filed against the violator whenever warranted by the existing laws and regulations such as but not limited to PD 979 (Marine Pollution Decree), RA 9483 (Oil Compensation Act), RA 9275 (Philippine Clean Water Act), and RA 8550 (Philippine Fisheries Code) as amended by RA 10654.

Commented [I11]: Comment from Petron

#### REGULATION 11 CLAIMS AND COMPENSATION

1. Where costs are incurred by the PCG or an OSRO, or any entity duly called upon by the PCG, in responding to an oil spill incident or in the conduct of any oil spill response operation therefor, demand for reimbursement shall be made on the spiller and its insurer for marine pollution, as the case may be, giving therein a statement of all expenses incurred. The spiller or its insurer shall be required to make full and complete payment within a period of fifteen (15) working days from the date such demand is made.
2. In the event the spiller or the insurer fails or refuses to make complete payment, the PCG or the OSRO, as the case may be, may obtain payment from the Oil Pollution Management Fund (OPMF) managed by the MARINA pursuant to R.A. No. 9483, without prejudice to the imposition of applicable administrative penalties and the filing of criminal case by the PCG. The OPMF shall be reimbursed by the spiller or insurer, as the case may be, upon proper determination of the Court.
3. Compensation for pollution damage suffered by any person other than the PCG shall be governed by R.A. No 9483 and the Rules of Procedure for Environmental Cases. The PCG, through the MEPCOM, shall provide any complainant who claims compensation for pollution damage under, or violation of, R.A. No. 9483 any necessary technical evidence or any assistance, whether testimonial or documentary.
4. ~~All action for compensation under R.A. No. 9483 shall be filed within three (3) years of the date on which the damage occurred but not later than six (6) years of the date of the incident.~~

#### REGULATION 12 INVESTIGATION AND ADJUDICATION

1. The investigation and adjudication of marine pollution cases and violation of any provision in this Circular shall be conducted by the PCG through its designated Investigation and Adjudication Officer (IAO). The Rules of Procedure for the Investigation and Adjudication are provided in **Annex 8**.
2. The Coast Guard District Commanders within his area of jurisdiction, except in cases of Tier III oil spill incident which shall be within the jurisdiction of the Commander, MEPCOM, shall designate an Investigation and Adjudication Officer for Marine Environmental Protection and Pollution Cases. The designated IAO shall have the sole and exclusive jurisdiction over all cases involving violations of marine environmental protection and pollution laws, rules and regulations, including the imposition of administrative sanctions, except as may be provided by this Circular and by law.
3. To determine the liability of the spiller subject to the exempting circumstances and the rules on the limitation of liability set forth in R.A. No. 9483 for purpose of filing the appropriate action before the Regional Trial Court, the PCG shall simultaneously conduct an investigation *motu proprio* or through written undertaking of a complainant during the clean-up operation response.
4. Upon investigation and based on findings therewith, the PCG shall impose the appropriate administrative fines and penalties and shall file any appropriate action against the violator with the Regional Trial Court (RTC). An action for compensation shall be in accordance with Chapter VI of R.A. No. 9483 and Administrative Matter No. 09-6-8-C governing the Rules of Procedure for Environmental Cases.

#### **REGULATION 134** **REPEALING CLAUSE**

Memorandum Circular No. 01-2005 dated 07 October 2005 and other existing PCG Circulars, Rules and Regulations Orders or Decisions which are inconsistent with this Circular are hereby repealed or modified accordingly.

#### **REGULATION 145** **SEPARABILITY CLAUSE**

Should any provision or part of this Circular be declared by competent Authority to be invalid or unconstitutional, the remaining provisions or parts hereof shall remain in full force and effect and shall continue to be valid and effective.

#### **REGULATION 156** **EFFECTIVITY AND TRANSITORY PROVISIONS**

~~0. The implementation and enforcement of the rules on the requirement to secure a contract with an OSPRO for the provision of standby oil spill response and clean-up operations and the installation of preventive measures shall be undertaken in phases in accordance with the following schedule:~~  
~~All other provisions of this Memorandum Circular shall take effect thirty (30) days upon publication in a newspaper of general circulation~~

DRAFT

**ANNEX 1**

**LIST OF OIL**

**Asphalt Solutions**

Blending Stocks  
Roofers Flux  
Straight Run Residue

**Gasoline Blending Stocks**

Alkylates - fuel  
Reformats  
Polymer - fuel

**Oils**

Clarified  
Crude Oil  
Mixtures containing Crude Oil  
Diesel Oil  
Fuel Oil No. 4  
Fuel Oil No. 5  
Fuel Oil No. 6  
Residual Fuel Oil  
Road Oil  
Transformer Oil  
Aromatic Oil (excluding Vegetable Oil)  
Lubricating Oils and Blending Stock  
Mineral Oil  
Motor Oil  
Penetrating Oil  
Spindle Oil  
Turbine Oil

**Gasolines**

Casinghead (natural)  
Automotive  
Aviation  
Straight Run  
Fuel Oil No.1 (Kerosene)  
Fuel Oil No.1-D  
Fuel Oil No.2  
Fuel Oil No. 2-D

**Jet Fuels**

JP – 1 (Kerosene)  
JP – 3  
JP – 4  
JP – 5 (Kerosene, Heavy)  
Turbo Fuel  
Kerosene  
Mineral Spirit

**Distillates**

Straight Run  
Flashed Feed Stocks  
Heartcut Distillate Oil  
Gas Oil

**Naptha**

Solvent  
Petroleum

**ANNEX 2**

**REQUIRED DOCUMENTS FOR THE CONDUCT OF  
BUNKERING/TRANSFERRING OPERATIONS**

**Foreign-registered Vessels:**

1. Entry Permit
2. Notice of Arrival
3. Bill of Lading
4. Cargo Manifest
5. Vessel Tank Inspection Report (prior loading at Port of Origin)
6. Vessel Tank Inspection Report (after completion of loading at Port of Origin)
7. Bureau of Custom Bunkering Permit
8. Material Safety Data Sheet (MSDS)

**Domestic-registered Vessels:**

1. Coasting/Cargo Manifest
2. Notice of Arrival
3. Master's Oath of Safety Departure (MOSD)
4. Material Safety Data Sheet (MSDS) as Cargo
5. Bill of Lading
6. ATRIG Authority to Release Imported Goods (BIR Tax)
7. Material Safety Data Sheet (MSDS)

**ANNEX 3**

**OIL RECORD BOOK**

**PART 1 - Machinery Space Operations**

**(All Ships)**

**Name of Ship:**

**Distinctive number of letters:**

**Gross tonnage:**

**Period from:**

**To:**

**LIST OF ITEMS TO BE RECORDED**

**(A) BALLASTING OR CLEANING OF OIL FUEL TANKS**

1. Identity of tank(s) ballasted.
2. Whether cleaned since they last contained oil and, if not, type of oil previously carried.
3. Position of ship at start of cleaning.
4. Position of ship at start of ballasting.

**(B) DISCHARGE OF DIRTY BALLAST OR CLEANING WATER FROM OIL FUEL TANKS REFERRED TO UNDER SECTION (A)**

1. Identity of tank(s).
2. Position of ship at start of discharge.
3. Position of ship on completion of discharge.
4. Ship's speed(s) during discharge.
5. Method of discharge.
  - a. Through 100 parts per minute equipment.
  - b. Through 15 parts per minute equipment.
  - c. To reception facilities.
6. Quantity discharge.

**(C) DISPOSAL OF OIL RESIDUES (SLUDGE)**



1. Quantity of residue retained on board for disposal.
2. Methods of disposal of residue:
  - a. To reception facilities (identity port)
  - b. Mixed with bunkers;
  - c. Transferred to another (other) tank(s) (identity tank(s);
  - d. Other method (state which).

**(D) NON-AUTOMATIC DISCHARGE OVERBOARD OR DISPOSAL OTHERWISE OF BILGE WATER WHICH HAS ACCUMULATED IN MACHINERY SPACES**

1. Quantity discharged.
2. Time of discharge.
3. Method of discharged or disposal:
  - a. Through 100 parts per min equipment
  - b. Through 15 parts per minute equipment;
  - c. To reception facilities (identity port);
  - d. To slop or collecting tank (identity tank).

**(E) AUTOMATIC DISCHARGE OVERBOARD OR DISPOSAL OTHERWISE OF BILGE WATER WHICH HAS ACCUMULATED IN MACHINERY SPACES**

1. Time when the system has been put into automatic mode of operation for discharge overboard.
2. Time when the system has been put into automatic mode of operation for transfer of bilge water to collecting (slop) tank (identity tank).
3. Time when the system has been put to manual operation.
4. Method of discharge overboard:
  - a. Through 100 parts per minute equipment;
  - b. Through 15 parts per minute equipment.

**(F) CONDITION OF OIL DISCHARGE MONITORING AND CONTROL SYSTEM**

1. Time of system failure.
2. Time when system has been made operational.
3. Reasons for failure.

**(G) ACCIDENTAL OR OTHER EXCEPTIONAL DISCHARGES OF OIL**

1. Time of occurrence.
2. Place or position of ship at time of occurrence.
3. Approximate quantity and type of oil.
4. Circumstances of discharge or escape, the reasons therefore general remarks.

## NAME OF SHIP:

CARGO/BALLAST OPERATIONS (OIL TANKERS) \*/MACHINERY SPACE OPERATIONS (ALL SHIPS)\*

**\*Delete as appropriate**

## ANNEX 4

**RULES FOR THE ACCREDITATION OF  
OIL SPILL PREVENTION AND RESPONSE ORGANIZATION (OSRO)**

**RULE I AUTHORITY**

Republic Act No. 9993 and its Implementing Rules and Regulations empowers the PCG to prescribe, promulgate and enforce regulations for the prevention and control of marine pollution by accreditation of companies/entities engaged in Marine Environment Protection related activities including but not limited to Oil Spill Prevention and Response Organization (OSRO).

**RULE II PURPOSE**

The purpose of these rules is to prescribe the rules and procedures for the accreditation of Oil Spill Prevention and Response Organization (OSRO).

**RULE III INTERPRETATION**

*Consistent with the Precautionary Principle and the Polluter Pays Principle, the rules prescribed herein shall be interpreted liberally in favor of marine environmental protection.*

**RULE IV SCOPE**

These rules shall apply to all Oil Spill Prevention and Response Organizations (OSRO) within the territorial jurisdiction of the Philippines.

**RULE V DEFINITION OF TERMS**

For the purposes of the rules and procedures prescribed herein, the terms defined in Section VI of Memorandum Circular No. \_\_ are fully adopted.

**RULE VI TYPES OF ACCREDITATION**

- A. The accreditation of an OSRO shall be classified according to the capacity to respond to oil spills on the basis of their service response times and pollution cleaning-up capability, as follows:
- (1) Accreditation for Tier I Spill Response – the OSRO possesses the capability and capacity, including equipment and personnel, to respond to and conduct complete and immediate oil spill response operations for Tier 1 Spills anywhere in the Philippine Maritime Jurisdiction within twelve (12) hours upon notification by the spiller or the PCG of an oil spill incident;

- (2) Accreditation for Tier II Spill Response – the OSRO possesses the capability and capacity, including equipment and personnel, to respond to and conduct complete and immediate oil spill response operations for Tier II Spills anywhere in the Philippine Maritime Jurisdiction within twelve (12) hours; and
  - (3) Accreditation for Tier III Spill Response – the OSRO possesses the capability and capacity, including equipment and personnel, to respond to and conduct complete and immediate oil spill response operations for Tier III Spills anywhere in the Philippine Maritime Jurisdiction within twelve (12) hours.
- B. An Accreditation for Tier II Spill Response necessarily includes an Accreditation for Tier I Spill Response, and an Accreditation for Tier III Response carries an Accreditation for Tier I and Tier II Oil Spill Response. However, nothing in this Section shall preclude the PCG to call upon the services of any accredited OSRO from responding to an oil spill incident regardless of Tier.

## **RULE VII REQUIREMENTS**

### **A. GENERAL REQUIREMENTS**

#### **(1) Legal Documents**

- i. Certificate of Registration issued by the Security and Exchange Commission (SEC);
- ii. Articles of Incorporation and By-Laws;
- iii. Company Profile;
- iv. Certificate of vessel registration by MARINA under the name of the person or entity applying for accreditation;
- v. Oil Spill Response Plan as provided herein
- vi. Oily Debris and Oily Waste Management and Disposal Plan; and
- vii. A valid Secretary's Certificate authorizing an officer, representative or agent to apply for accreditation on a juridical entity's behalf.

#### **(2) Financial Documents**

- i. Valid permits and registrations from Local Government Units;
- ii. Audited financial statement received by the Bureau of Internal Revenue (BIR) or its duly authorized Revenue District Offices (RDOs) for the immediately preceding year;
- iii. Latest General Information Sheet duly filed with and received by the SEC;

- iv. SEC approved capitalization of not less than PHP 50,000,000.00 with proof of fund certified and authenticated by a Universal or Commercial Bank. Minimum 75% of the PHP 50,000,000.00 must be allocated and invested on relevant assets, equipment, tools and resources used in marine environment protection and oil spill response;
- v. In case of joint venture with a foreign corporation or entity, a duly authorized statement from the potential joint venture partners stating that they will enter and abide by the provisions of the oil spill response regulations. The joint venture partner must have proven track record, competency, organization and appropriate tools, equipment and assets for marine environment protection and oil spill response within the territorial jurisdiction of the Philippines or overseas.

### (3) Administrative Documents

- i. Organizational Chart;
- ii. List of Personnel, Designation, Qualification/Certificate of Competency, Experience Data and Training Profile;

### iii. Logistical Requirements

- i. List of minimum MARPOL/HNS Equipment units, which are owned, leased, and purchased must be supported by certification of availability of equipment from lessor/vendor for the duration of response:

#### a. For Tier I Spill Accreditation

Equipment/Units	Description/Specifications	Number
Oil Spill Response Team	Certified Oil Spill Responders	50
Oil Spill Containment Boom	600 mm	≥ 400
	900 mm	≥ 400
	1500 mm	≥ 200
Shore line Protection Boom	600 mm	≥ 100
Automatic Inflation Boom	≥ 1100 mm	
Fire Proof Oil Containment Boom	600 mm	
Oil Absorbent Rope		≥ 400
Oil Absorbent Pads		≥ 5
Portable Spraying Device (Cold Water)	Spray Rate >18 L / min Pressure > 8 mpa	≥ 2
Portable Cleaning device ( hot water)	>80 °C, Spray Rate >18 L / min, Pressure> 8mpa	≥ 1

Commented [I13]:

Portable Cleaning device ( hot water)	>80 °C, Spray Rate >18 L / min, Pressure> 8mpa	≥ 1
On –board or Portable Spraying device	Spray Rate 135 L / min	
Oil Skimmer ( including Genset Power Station)	High Viscosity Capacity (100 m3/ H)	
	Low Moderate Viscosity Capacity (60 m3 / H)	1 set > 60 m3/H
Mechanical Pump	Capacity (discharge rate for high viscosity > 150 m3 /H)	
Oil Dispersant Chemical		≥ 2
Jumbo bags	≥50 kgs capacity	≥ 200
Personal Protective equipment		≥ 50
Speed Boa, Fiberglass> 4m	30hp 2- stroke engine	≥ 2
Oil Spill Respond Vessels	≥ 300 DWT, ≥ 210 knots speed, up to 20 nautical miles	≥ 1
Auxillary barge / boat		≥ 1

**b. For Tier II Spill Accreditation**

Equipment/Units	Description/ Specifications	Number
Oil Spill Response Team	Certified Oil Spill Responders	100
Oil Spill Containment Boom	600 mm	≥ 800
	900 mm	≥ 800
	1500 mm	≥ 400
Shore Line Protection Boom	600 mm	≥ 200
Automatic Inflation Boom	≥ 1100 mm	≥ 200
Fire Proof Oil Containment Boom	600 mm	≥ 200
Oil Absorbent Rope		≥ 800
Oil Absorbent Pads		≥ 10
Portable Spraying Device (Cold Water)	Spray Rate >18 L / min Pressure > 8 mpa	≥ 4
Portable Cleaning device ( hot water)	>80 °C, Spray Rate >18 L / min, Pressure> 8mpa	≥ 2
On –board or Portable Spraying device	Spray Rate 135 L / min	≥ 1

Commented [I14]:

Oil Skimmer ( including Genset Power Station)	High Viscosity Capacity (100 m3/ H)	≥ 1
	Low Moderate Viscosity Capacity (60 m3 / H)	2 sets > 60 m3/H
Mechanical Pump	Capacity (discharge rate for high viscosity > 150 m3 /H)	≥ 1
Oil Dispersant Chemical		≥ 10
Jumbo bags	≥50 kgs capacity	≥ 400
Personal Protective equipment		≥ 100
Speed Boa, Fiberglass> 4m	30hp 2- stroke engine	≥ 3
Oil Spill Respond Vessels	≥ 300 DWT, ≥ 210 knots speed, up to 20 nautical miles	≥ 2
Auxillary barge / boat		≥ 2

**c. For Tier III Spill Accreditation**

Equipment/Units	Description/ Specifications	Number
Oil Spill Response Team	Certified Oil Spill Responders	200
Oil Spill Containment Boom	600 mm	≥ 1,200
	900 mm	≥ 1,200
	1500 mm	≥ 800
Shore Line Protection Boom	600 mm	≥ 400
Automatic Inflation Boom	≥ 1100 mm	≥ 400
Fire Proof Oil Containment Boom	600 mm	≥ 400
Oil Absorbent Rope		≥ 1,200
Oil Absorbent Pads		≥ 15
Portable Spraying Device (Cold Water)	Spray Rate >18 L / min Pressure > 8 mpa	≥ 6
Portable Cleaning device ( hot water)	>80 °C, Spray Rate >18 L / min, Pressure> 8mpa	≥ 3
On –board or Portable Spraying device	Spray Rate 135 L / min	≥ 2
Oil Skimmer ( including Genset Power Station)	High Viscosity Capacity (100 m3/ H)	≥ 2

Commented [I15]:

	Low Moderate Viscosity Capacity (60 m3 / H)	2 sets > 60 m3/H
Mechanical Pump	Capacity (discharge rate for high viscosity > 150 m3 /H)	≥ 1
Oil Dispersant Chemical		≥ 20
Jumbo bags	≥50 kgs capacity	≥ 500
Personal Protective equipment		≥ 200
Speed Boa, Fiberglass > 4m	30hp 2- stroke engine	≥ 4
Oil Spill Respond Vessels	≥ 300 DWT, ≥ 210 knots speed, up to 20 nautical miles	≥ 2
Auxillary barge / boat		≥ 2

- ii. Proof of purchase or lease must be supported by purchase agreement, lease contract, invoice, delivery receipt and other relevant documents which shows, amongst others, the brand, model / type, size or dimensions, quantity and date of manufacture of the OSR tools and equipment.
- iii. Equipment that is not in accordance with the above-mentioned list will not be considered in assessing the Applicant's oil spill response and clean-up capacity for the purpose of accreditation.
- iv. Agreement with International OSRO

Any domestic entity seeking accreditation as an OSRO may submit any agreement of partnership and cooperation with an internationally established OSRO with a track record of at least ten (10) years, whether through a joint venture, parent-subsidiary relationship, or any other arrangement. Such Agreement must be legally certified, notarized and, where applicable, authenticated by the consular office of the Republic of the Philippines where the international OSRO is domiciled. The agreement shall contain all necessary information on the extent of the partnership and cooperation, as well as all the services to be extended to the domestic entity by the international OSRO.

If upon verification and validation, the PCG is satisfied with the competence, technical expertise, capability and track record of the international OSRO, the agreement shall be favorably considered to support and supplement the application for accreditation of the domestic entity, and shall be considered in the overall assessment of the type of accreditation for which it is eligible. Nothing in this provision, however, shall be construed to exempt the domestic entity seeking OSRO accreditation from complying with the minimum requirements set forth under paragraph (A)(4)(i) of this Rule.



## B. OIL SPILL RESPONSE PLAN

- (1) In addition to the foregoing requirements, an OSRO shall submit an Oil Spill Response Plan which shall demonstrate its capability to comply with the requirements relating to the procedures, equipment and resources prescribed in Section VI(C) herein. An OSRO's Oil Spill Response Plan shall include the following information:
- (a) The name and address of the OSRO and its geographical area of coverage;
  - (b) The designated Contact Person to be notified by the PCG or spiller in the event or threat of an oil spill, including all relevant contact details, address
  - (c) The total quantity of oil in respect of which the OSRO is to be certified in accordance with the tiered response capabilities set out in section 2.
  - (d) The name of each person included in the personnel who has received basic oil spill response training or any other training in relation to an oil spill;
  - (e) A description of the training that the OSRO provides to its personnel in preparation for the responsibilities that they will undertake in response to an oil-spill, whether pursuant to a contract or upon a call by the PCG;
  - (f) A description of the oil spill exercise program established to evaluate the effectiveness of all aspects of the procedures, equipment and resources that are identified in the plan, including exercises to be coordinated with ships, oil handling facilities or the PCG, as the case may be;
  - (g) A list of the types and quantity of equipment for use at its geographical area of coverage in respect of a Tier I oil spill response capability referred to in Section VI(A)(4) hereof, including the procedure and measures to be undertaken for the maintenance thereof;
  - (h) A description of the measures that the OSRO will take in response to an oil spill to protect and treat areas of an environment affected by an oil spill, emphasizing those measures suited for special areas and those protected under the NIPAS Act;
  - (i) A description of the treatment and recovery procedures that will be implemented in response to an oil spill;
  - (j) A description of the procedures that will be implemented for notifying the persons referred to in paragraph (d) in the event of an oil spill;
  - (k) A description of the measures that the OSRO will take, in conformity with applicable law, rules and regulations relating to health and safety, to protect the health and safety of its personnel, of volunteers and of other individuals who are involved, at the request of the OSRO, in a response to an oil spill; and
  - (l) A description of procedures for the updating of the response plan.

- (2) An OSRO's Response Plan must take into account any contingency plan for its geographical area that may be issued by the PCG.

### C. OIL SPILL PROCEDURES, EQUIPMENT AND RESOURCES

- (1) The procedures to be implemented with respect to a spill of a specified quantity of oil in a geographical area shall include the following specifications:
- (a) The equipment and resources relating to an oil spill response capability are deployed within twelve (12) hours after the notification of the oil spill by the spiller or the call fro the PCG, as the case may be;
  - (b) The number of meters of shoreline that are treated in a day is at least 500 meters;
  - (c) The maximum number of days required to complete on-water recovery operations shall be ten (10) operational days after the day on which the equipment is first deployed in the affected operating environments;
  - (d) The oil spill response operations shall be managed in coordination with the PCG, LGUs, the DENR and other concerned agencies pursuant to the NOSCOP;
  - (e) When determined by the PCG to be necessary for an effective and complete oil spill and clean-up response, strategies for simultaneous response shall be employed in all affected operating environments, including, but not limited to, the calling of other OSROs to conduct oil spill response operations; and
  - (f) Equipment and resources shall be provided to the persons managing the response operation.
  - (g) Oil collected in the course of the response operations shall be disposed of in accordance with existing law and regulations.
- (2) The equipment and resources for use with respect to a spill of a specified quantity of oil include the following:
- (a) Equipment that is appropriate for responding to the oil spill; and
  - (b) Equipment for sufficient primary temporary storage capacity to maintain recovery operations of oil or oily-water waste continuously during a 24-hour period and a sufficient secondary temporary storage capacity.

## RULE VIII APPLICATION PROCESS

- (a) The Applicant shall submit an accomplished and verified Application Form (obtained from MEPCIS either in its office or through the PCG website) with the Director, National Operations Center for Oil Pollution (DNOCOP), Farola Compound, Binondo, Manila. The information in the Application Form must be clear, concise, factual, complete. The application must contain information about the Applicant's equipment and personnel inventory and shall include all necessary documents required herein. Incomplete applications will not be processed and will be returned to the applicant immediately with an explanation of the deficiency.
- (b) OSRO applicant should utilize DENR accredited transporter and treater for oil spill debris and waste disposal.
- (c) The application shall be subject to the following fees:

Commented [16]: Comment from MEPCOM

Application Fee	PhP2,500.00
Surveyors Fee	Php5,100.00
Accreditation Certificate	Php500.00
Laboratory Fee	Php4,000.00
Stamp	Php150.00
Dry Seal	Php50.00
Authentication of Documents	Php200.00

- (d) Upon receipt of the application and payment of the fees, the DNOCOP or his duly authorized representative shall, after being satisfied upon review that the application is complete, conduct inspection and validation of the resources and equipment identified in the application and submit to Commander, Marine Environmental Protection Command (CMEPCOM) the result of such inspection and his recommendations thereon.
- (e) If the application is found to be unsatisfactory, CMEPCOM shall return the application to the Applicant with an explanation of the reasons why the application is rejected and provide recommendations therefor, if necessary. The Applicant shall be given a period of thirty (30) days to undertake measures to fulfill the recommendations, if any, or rectify the deficiencies.
- (f) If the application is found to be satisfactory, CMEPCOM shall recommend to the Commandant, PCG (CPCG) the issuance of a Certificate of Accreditation in favor of the OSRO, stating therein the name and style of the OSRO, its complete and current address, full name of the authorized representative, and all relevant contact details. The Certificate shall contain the conditions prescribed in the immediately proceeding Section.

#### RULE IX CONDITIONS UNDER THE ACCREDITATION

- A. The Certificate of Accreditation shall be valid for a period of three (3) years and subject to the following conditions:
- a. That the OSRO shall maintain all its equipment in good operating conditions, conducting thereon all necessary specified preventive

maintenance and proper storage or warehousing, and that its personnel are sufficiently trained and possessed of the capacity to conduct immediate and complete oil spill response operations;

- b. That the OSRO shall immediately respond to any oil spill incident upon call by the PCG to conduct or supplement oil spill response operations; Provided, that an OSRO engaged in a current oil spill response operations shall be exempted from responding to the PCG's call;
- c. That the OSRO shall submit the following documents within thirty (30) days from the expiration of a period of twelve (12) months commencing from the date of its accreditation:
  - i. A report of all oil spill response operations that the OSRO conducted in the past twelve months, specifying the entity or entities involved, the measures undertaken, inventory of actual tools, equipment and resources used and involved during each of the oil spill response incidents, the cost of the operations for each oil spill response incident, and all other relevant information in relation to the oil spill;
  - ii. An updated inventory of the OSRO facilities, equipment, and personnel equipped for emergency response to pollution from ships; and
  - iii. All contracts for oil spill response operations entered into by the OSRO and ships, vessels or any other entities entered into during the past twelve (12) months.
- d. That the OSRO shall conduct semi-annual oil spill response drills and exercises involving its personnel and equipment under the supervision of the PCG;
- e. That the OSRO shall allow unimpeded and full access to its offices, storage facilities, equipment, records and documents for random inspection by authorized officials of the PCG for the purpose of determining whether all pertinent laws, rules and regulations are being complied with;
- f. That the OSRO shall submit, at the end of every calendar year, a copy of its General Information Sheet and Audited Financial Statement for the immediately preceding year as filed and registered with the SEC;
- g. That the OSRO shall notify the PCG of any changes to its corporate structure and ownership, address, authorized representative, contact details, or its capacity to respond to or conduct oil spill response operations for which it is accredited;
- h. That the OSRO shall participate in any consultation procedures conducted by the PCG or any of its offices in relation to Memorandum Circular No. \_\_\_\_, including but not limited to the updating of the prescribed rates for oil

spill response operations, the prescribed provisions of the Model Contract, and the revisions to or updating of the NOSCAP;

- i. That the OSRO shall hold the PCG and its officials free and harmless of any liability arising from the conduct of any oil spill response operations, the liability therefor is understood as falling on the polluter or spiller pursuant to R.A. No. 9483 or the Oil Pollution Compensation Act of 2007;
- j. That the OSRO shall assist the PCG in the prosecution of claims for pollution damage arising from oil spills for which it conducted oil spill response operations by providing all necessary testimonial, documentary or object evidence; and
- k. That any breach in the conditions set forth in the Certificate of Accreditation or any violation of Memorandum Circular No. \_\_\_\_ shall cause the suspension or revocation of the OSRO's accreditation, without prejudice to any administrative, civil or criminal liability that may be imposed under applicable law, rules and regulations.

**ANNEX 5**

**RULES FOR THE IMPOSITION OF ADMINISTRATIVE FINES AND/OR  
PENALTIES**

Violation of any provision stated in Section VIII and IX shall be imposed with the following corresponding administrative fines and/or penalties:

- A. Tier I Discharge - not less than Php50,000.00 but not more than Php300,000.00

Php50,000.00 is the minimum penalty for discharges between 1 to 100 liters. For discharges of more than 100 liters, violators will pay the minimum penalty of P50,000.00 plus a Php25.00 penalty for each succeeding liter. This is further explicated in the formula:

$$\text{Spill } >100\text{L} = \text{minimum penalty} + (n \times 25) \text{ n} = \text{volume of spilled oil in liters} \text{ if and only if, n is } >100$$

Volume of Spilled Oil(in liters)	Penalty	Volume of Spilled Oil (in liters)	Penalty
101	Php50,025.00	9,995	Php297,375.00
102	Php50,050.00	9,996	Php297,400.00
103	Php50,075.00	9,997	Php297,425.00
104	Php50,100.00	9,998	Php297,450.00
105	Php50,125.00	9,999	Php297,475.00
...		10,000	Php297,500.00

- B. Tier II Discharge - above P300,000.00 but not more than P600,000.00

Volume of Spilled Oil (in liters)	Penalty
10,001 – 100,000	Php300,000.00
100,001 – 250,000	Php375,000.00
251,000 – 500,000	Php450,000.00
500,001 – 750,000	Php525,000.00
750,001 -1,000,000	Php600,000.00

- C. Tier III Discharge - above P600,000.00 but not more than P1,000,000.00

Volume of Spilled Oil (in liters)	Penalty
1,000,000,000	Php600,000.00
1,000,000,001 and more	Php1,000,000.00



PUNONGHIMPILAN TANOD

BAYBAYIN NG PILIPINAS

(Headquarters Philippine Coast Guard)

139 25<sup>th</sup> Street, Port Area

1018 Manila

**ANNEX 6**

**NOTICE OF PREVENTIVE DETENTION**

Date  
MARINA/ PPA/ SHIPOWNER  
Director  
Office Address  
Fax no.  
E-mail

To \_\_\_\_\_:

(Insert ship's name) – Preventive Detention of Ship

The Philippine Coast Guard Marine Environmental Protection (MEP) Enforcement Inspection Officer has carried out inspection to the abovementioned ship at \_\_\_\_\_ on \_\_\_\_\_. The ship shall be detained at \_\_\_\_\_ due to the following deficiencies which endanger the marine environment:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Enclosed herewith a copy of Marine Pollution Inspection/ Apprehension ReportMarine Pollution Inspection/ Apprehension ReportMarine Pollution Inspection/ Apprehension Reportof which might be useful for your reference. For further inquiries, please contact Coast Guard Station/Sub-Station at \_\_\_\_\_.

Very truly yours,

\_\_\_\_\_  
(Signature above Printed Name)  
Station/Sub-Station Commander



**PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS**  
**Headquarters Philippine Coast Guard**  
**139 25<sup>th</sup> Street, Port Area**  
**1018 Manila**

**ANNEX 7**

**NOTICE OF ADMINISTRATIVE CASE/HEARING**

Date

SHIPOWNER  
Office Address  
Fax no.  
E-mail

To \_\_\_\_\_:

Pursuant to Republic Act No. 9993, Presidential Decree No. 979 and MARPOL 73/78, as implemented by the Philippine Coast Guard Memorandum No. \_\_\_\_\_ dated \_\_\_\_\_, the MEP Officer finds you *prima facie* liable for the violation/s mentioned in the Marine Pollution Inspection/ Apprehension Report. Consequently, you shall be charged before the Investigation and Adjudication Officer (IAO) \_\_\_\_\_. You are given a period of \_\_\_\_\_ from receipt hereof to submit evidence and/or appear before the IAO. Failure to do so shall be construed as a waiver of your right to be heard and the case will be decided accordingly.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Designation



## ANNEX 8

### **RULES OF PROCEDURE BEFORE THE INVESTIGATION AND ADJUDICATION OFFICER (IAO) FOR MARINE ENVIRONMENTAL PROTECTION AND POLLUTION CASES**

#### **RULE I**

##### **TITLE AND CONSTRUCTION**

SECTION 1. *Title* - These Rules shall be known as the Rules of Procedure for Marine Environmental Protection and Pollution Cases and shall govern the procedure before the Investigation and Adjudication Officer (IAO) of the Philippine Coast Guard.

SECTION 2. *Scope* - These Rules shall apply to all marine environmental protection and pollution cases brought before the Investigation and Adjudication Officer.

SECTION 3. - *Construction* - These Rules shall be liberally construed in order to promote public interest and to assist the parties in obtaining just, speedy and inexpensive determination of action or proceedings. Formal requirements shall not affect the intrinsic validity of the proceedings, provided that the information and facts alleged therein are clearly indicated for the judicious disposition of the case.

SECTION 4. - *Nature of Proceedings* - Subject to the basic requirements of due process, proceedings before the IAO shall be summary in nature and need not necessarily adhere to or follow the technical rules of evidence obtaining in courts of law. The Rules of Court shall not apply in said proceedings, except in suppletory character and only whenever applicable.

#### **RULE II**

##### **JURISDICTION AND VENUE**

SECTION 1. *Jurisdiction* - The Investigation and Adjudication Officer (IAO) shall have the sole and exclusive jurisdiction over all cases involving violations of marine environmental protection and pollution laws, rules and regulations, including the imposition of administrative sanctions, except as may be provided by law.

SECTION 2. *Transfer of Venue* - The Commandant, Philippine Coast Guard may allow the transfer of venue of the investigation from one district to another when he deems this course of action to be more expeditious, advantageous and in the interest of justice.

#### **RULE III**

## INVESTIGATION

SECTION 1. *Investigation, How Initiated* - Administrative investigation may be commenced by:

- a. The Command, *motu proprio*;
- b. Marine Pollution Inspection/ Apprehension Report Marine Pollution Inspection/ Apprehension Report Marine Pollution Inspection/ Apprehension Report accomplished by the Philippine Coast Guard units;
- c. By filing of marine protest; and
- d. Sworn complaint of any person.

SECTION 2. *Marine Pollution Inspection/ Apprehension Report Marine Pollution Inspection/ Apprehension Report*– Even without formal complaint, an action may be initiated on the basis of inspection or monitoring report that the condition and/or activities of the vessel which include but not limited to discharge of oil, hazardous and noxious substances, sewage, garbage or waste constitutes an immediate threat of harm to marine environment and/or violation of the existing MEP rules and regulations.

The MEP Officer shall include in the Marine Pollution Inspection/ Apprehension Report Marine Pollution Inspection/ Apprehension Report Marine Pollution Inspection/ Apprehension Report a Notice of Preventive Detention issued by the Station/Sub-Station Commander upon the recommendation of the MEP Officer when there is a *prima facie* evidence that the ship does not substantially comply with the existing PCG rules and regulations or committed detainable violation during the inspection. Said notice of detention shall be simultaneously forwarded to Investigation and Adjudication Officer (IAO) who shall immediately conduct an investigation proceeding for said violations and/or non-compliance upon receipt of such report. The MEP Officer shall notify MARINA, Philippine Ports Authority and the Ship owner of the detention of the vessel.

The investigation proceeding of the IAO shall forthwith proceed within twenty-four (24) hours upon the issuance of the notice of preventive detention and the case shall be decided within ten (10) days from the issuance of said notice.

SECTION 3. *Marine Protest* – It is a declaration under oath by the master of the vessel of the circumstances attending the damage or loss of his vessel, and intended to show that the loss accrued by the perils of the sea. It shall be the primary evidence in the investigation of accident involving the vessel by a Hearing Officer or any investigation. It can be the basis of an action even without formal complaint.

SECTION 4. *Who may be Parties* – Any person who has an interest in the subject of the action may be a party to the case before the IAO.

The party initiating the action shall be called the “*Complainant*” and the party against whom a complaint is filed shall be called the “*Respondent*”.

SECTION 5. *Forms and Contents of Complaint* – The complaint shall be in writing and drawn in clear and concise language whether in Filipino or English specifying the full

names and addresses of the complainants, respondents and witnesses if any. It shall state the ultimate facts constituting the cause of action or specific violation of law or rules and regulations as well as other information pertinent thereto. It shall also specify the remedy or relief sought.

**SECTION 6. *Summons*** - Summons and/or complaint shall be served personally upon the parties. If the receipt of the summons and/or complaint is refused, tendering it to him shall make service. When the parties cannot be personally served with summons, service shall be made by registered mail or by publication, as the case may be.

**SECTION 7. *Withdrawal of Complaint*** – In case of withdrawal of complaint filed by any person, it shall not result in the automatic dismissal of the case. The IAO may *motu proprio* pursue the same if he deems it necessary in the interest of justice, public welfare and safety.

**SECTION 8. *Notice of Hearing*** - The parties and their witnesses shall be notified through subpoena of the scheduled hearing/investigation at least five (5) days before the date thereof, specifying the time and place of hearing. Provided, however, that the service of a Marine Pollution Inspection/ Apprehension Report Marine Pollution Inspection/ Apprehension Report Marine Pollution Inspection/ Apprehension Report shall be considered as sufficient notice in which the respondent shall appear before the Investigation and Adjudication Officer within ten (10) days after receipt thereof.

In case the Marine Pollution Inspection/ Apprehension Report Marine Pollution Inspection/ Apprehension Report Marine Pollution Inspection/ Apprehension Report is issued with Notice of Preventive Detention, it shall be accompanied by a Notice of Hearing, said hearing shall be conducted within twenty four (24) hours from the issuance of said order.

#### **RULE IV HEARING**

**SECTION 1. *Conduct of Investigation*** – In any investigation commenced pursuant to Sec. 1, Rule III hereof except those pertaining to detainable violations, the parties shall be given the opportunity to present their case or defense by way of submitting affidavits and other supporting evidence on the date, time and place of investigation specified in the notice of investigation/hearing or within ten (10) days after receipt of the Marine Pollution Inspection/ Apprehension Report. Affidavits submitted by the parties shall constitute their direct testimonies. After the reglementary period has prescribed, the IAO can take action on the basis of the evidence on record.

**SECTION 2. *Clarificatory Questions*** - When in the discretion of the IAO there are matters that need to be clarified, he may set the administrative case for hearing. Clarificatory questions raised by any of the parties shall be submitted to the IAO who shall propound the question to the witness.

**SECTION 3. *Submission of Position Paper*** – The IAO shall require the respondent to submit its verified position paper accompanied by all supporting documents and affidavits of witnesses within ten (10) days from receipt of notice. The Affidavits shall state only facts of direct personal knowledge of the affiants and shall show their competence to testify on the matters stated therein.

The respondent shall furnish the complainant a copy of its position paper together with the supporting documents and affidavits submitted by it.

**SECTION 4. *Failure to Submit Position Paper*** – Should the respondent failed to submit its verified position paper within the period provided despite due notice, he shall be considered in default and the case shall be resolved on the basis of the evidence on record.

**SECTION 5. *Expert Witness*** - Government expert witnesses, such as doctors of medicine, handwriting experts, and chemist, among others, need not be summoned to testify on their reports. Their affidavits will be accepted based on their credentials and upon their official certification.

**SECTION 6. *Appearance and Admission of Violation*** - On or before the date of investigation/hearing, the respondent may admit the charge(s) to the Investigation and Adjudication Officer. This admission shall be made on record. Thereafter, a Report shall be made immediately stating the admission and recommending the imposition of the appropriate administrative sanctions and the case shall be considered terminated.

**SECTION 7. *Subpoena and Subpoena Duces Tecum***– If the attendance of a witness or the production of books, papers, documents and other pertinent data is necessary, any party may request the issuance of the necessary subpoena or subpoena ducestecumat least five (5) days prior to the scheduled hearing. The IAO or Hearing Officer shall issue the subpoena or subpoena ducestecum upon showing of general relevance.

**SECTION 8. *More Detailed Inspection*** – Whenever essential to the determination of the issues surrounding the case, the IAO may direct the conduct at any time of a more detailed inspection.

**SECTION 9. *Intervention by an Interested Party*** – any party who claims to have an interest or maybe adversely affected by the proceedings, may file a motion for intervention stating concisely the grounds relied upon and the remedy sought, serving copies of the same on the complainant and the respondent. The motion may be filed at any time before the case is deemed submitted for decision. The IAO has the discretion to allow or disallow the intervention.

**SECTION 10. *Consolidation of Cases*** – When there are two (2) or more cases pending before the IAO involving the same respondent and issues, the cases subsequently filed shall be consolidated with the one first filed to avoid unnecessary cost and delay.

## **RULE V**

### **ORDERS, RESOLUTIONS AND DECISIONS**

**SECTION 1. *Decision/Judgment*** - After due investigation, the IAO shall render a decision not later than thirty (30) days from the time it is submitted for decision. The parties shall be notified of the decision by personal service or registered mail, as the case may be. However in cases involving detainable violations, the case shall be decided within ten (10) days from receipt of the notice of preventive detention.

Every order or resolution of the IAO shall be in writing and under its seal, signed by him and shall clearly and distinctly state the facts and the law on which it is based.

SECTION 2. *Finality of Decision/Judgment* - Decisions of the IAO shall be final and executory within fifteen (15) days from receipt of a copy thereof, unless a motion for reconsideration is filed or an appeal is perfected within said period.

## RULE VI

### MOTION FOR RECONSIDERATION

SECTION 1. *Motion for Reconsideration* - A motion for reconsideration may be filed before the IAO specifically indicating the grounds therefore, with proof of service of copies to the other parties within 15 days from receipt of the decision of the IAO.

SECTION 2. *Filing* - Only one motion for reconsideration of an order or decision of the IAO shall be allowed. The IAO shall decide the motion for reconsideration within fifteen (15) days from submission. The filing of a motion for reconsideration shall suspend the running of the period to appeal.

## RULE VII

### APPEAL

SECTION 1. *Appeal* - An appeal from a judgment or final order of the Investigation and Adjudication Officer (IAO) may be taken to the Office of the Commandant, PCG. The appeal is taken by filing a notice of appeal with the IAO within fifteen (15) days from receipt of the decision of the IAO or within the remaining period from the filing of the motion for reconsideration upon receipt of the decision on the said motion as the case may be.

SECTION 2. *Contents of Notice of Appeal* - A Notice of Appeal shall specify and designate the errors of judgment of the decision, or part thereof appealed from. The Investigation and Adjudication Officer, shall, within five (5) days upon receipt of the Notice of Appeal and perfection thereof, transmit the record to the proper reviewing authority.

SECTION 3. *Appeal by One of Several Respondents* - When there are several respondents in a case, any one or all of them may appeal, but any respondent who does not join the appeal shall not be prejudiced thereby, except when there is manifest error in the appealed decision.

SECTION 4. *Withdrawal of Appeal* - Notwithstanding the perfection of the appeal, the Commandant, Philippine Coast Guard may allow withdrawal of the same at any time before the decision of the case is rendered, in which case the appealed decision shall stand as though no appeal had been filed.

SECTION 5. *Decision on Appeal Cases* - The proper reviewing authority shall decide the appealed case on the basis of the entire record of the investigation before the

Investigation and Adjudication Officer. The parties shall be notified of the decision by personal service or by registered mail, as the case may be.

The decision of the Commandant, PCG shall be final and unappealable.

#### **RULE VIII**

##### **ADMINISTRATIVE SANCTIONS, CIVIL AND CRIMINAL ACTIONS**

SECTION 1. *Administrative Sanctions* – The IAO shall impose the administrative sanctions and fines under the existing rules and regulations of the Philippine Coast Guard.

SECTION 2. *Civil and Criminal Actions* - The institution of an action under these Rules shall be without prejudice to and shall not bar any civil or criminal action for violation of the penal and civil provisions of all related environmental laws. If the violator is a juridical person, the criminal case shall be filed against the owners, proprietors and/or their agents responsible for the violation.

#### **RULE IX**

##### **MISCELLANEOUS PROVISIONS**

SECTION 1. *Separability Clause* – If any section or provision of these rules of procedure or part thereof, is declared unconstitutional or invalid, the other sections or provisions thereof which are not affected shall continue in full force and effect.

SECTION 2. *Repealing Clause* - The Rules of Procedure Governing the IAO for Marine Environmental Protection and Pollution Cases, which form part of Annex III of HPCG Memorandum Circular No. 01-2001 (dated 01 August 2001) is hereby repealed.

SECTION 3. *Effectivity Clause* – These Rules shall take effect fifteen (15) days after publication in a newspaper of general circulation in the Philippines.

ANNEX 9

Booklet No. 100001

INSPECTION RECORD BOOK  
(Facility Depot/ Terminal)

NAME OF DOWNSTREAM SECTOR AND OTHER FACILITIES : \_\_\_\_\_

PARTICULARS:

TYPE OF Facility:	HOMEPORT:
NAME OF OWNER/ OPERATOR:	BUSINESS ADDRESS:
TRADING:	L.O.A. (in meters):
BREADTH (in meters):	DEPTH (in meters):
DRAUGHT (in meters):	GROSS TONNAGE:
NET TONNAGE:	DEADWEIGHT:
MAKE/TYPE OF ENGINE:	HORSE POWER:
SPEED (Cruising/Maximum)	No. of DECK:
No. of MAST:	No. of Officers/Crew
No. of Authorized Passenger:	Built at:
MATERIALS:	Date of Last Dry-docking:

This Downstream Sector and other Facilities Inspection Record Book was issued  
on \_\_\_\_ day of \_\_\_\_ month 20\_\_\_\_.

\_\_\_\_\_  
Commander, Marine Environmental Protection Command

Booklet No. 100001

Part I

Record of Violations/Deficiencies in the conduct of MDSD/PDI/MCI

A. Details of Facility Certificates/Statutory Documents (Not Valid/Expired)

	Date of Issue	Expiry Date
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

B. Nature of Deficiency(ies)

C. Actions Taken (Please indicate)


D. Date/Time of Inspection: \_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

E. Place of Inspection: CGS/CGSS: \_\_\_\_\_

F. Received by: \_\_\_\_\_ G. Inspected by: \_\_\_\_\_

\_\_\_\_\_  
Name and Signature of OIC of the Facility      Rank/Name      and  
Signature of Officer-In-      Charge/Chief MEP Inspector  
Or Representative



Booklet No. 100001

Part II

Records of Drills

A. Nature of Emergency Situation/Evolution (check the appropriate drill conducted):

\_\_\_\_\_ Abandon ship Drill;  
\_\_\_\_\_ Fire in Port Drill / \_\_\_\_\_ At Sea Drill;  
\_\_\_\_\_ Collision at Port Drill / \_\_\_\_\_ At Sea Drill;  
\_\_\_\_\_ Emergency Steering Casualty Drill;  
\_\_\_\_\_ Man Overboard Drill.  
\_\_\_\_\_ Marine Environmental Response and Readiness Evaluation  
\_\_\_\_\_ Others \_\_\_\_\_

B. Place of Drill/Vicinity of:

\_\_\_\_\_  
\_\_\_\_\_  
(Name of nearest shoreline/Locality)  
\_\_\_\_\_  
(Latitude) / (Longitude)

C. Date/Time conducted:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

D. Last Port of Call:

\_\_\_\_\_  
\_\_\_\_\_

E. Date/Time of Departure:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

F. Next Port of Call:

\_\_\_\_\_

G. Date/Time of Arrival:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

H. Duty Officer of the Watch (OOW):

I. Master of the Vessel

\_\_\_\_\_  
Name and Signature of OOW  
License No. \_\_\_\_\_

\_\_\_\_\_  
Name and Signature  
License No. \_\_\_\_\_

Booklet No. 100001

Part III

Record of Violations/Deficiencies in the conduct of MDSD/PDI/CMI

A. Details of Facility Certificates/Statutory Documents (Not Valid/Expired)

	Date of Issue	Expiry Date
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		

B. Nature of Deficiency(ies)

C. Actions Taken (Please indicate)


D. Date/Time of Inspection:

\_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

E. Place of Inspection:

CGS/CGSS:

\_\_\_\_\_

F. Received by:

G. Inspected by:

\_\_\_\_\_  
Name and Signature of OIC of the Facility  
Signature of Officer-In-  
Or Representative

\_\_\_\_\_  
Rank/Name and  
Charge/Chief MEP Inspector

Booklet No. 100001

Part IV

Record of Violations/Deficiencies in the conduct of

A. Nature of Emergency  
Drill /Evolutions

B. Rate attained during Evaluation

	1 <sup>st</sup> Drill (Date: _____)	2 <sup>nd</sup> Drill (Date: _____)
1. Abandon ship Drill		
2. Fire in Port or At Sea Drill		
3. Collision at Port or At Sea Drill		
4. Emergency Steering Casualty Drill		
5. Man Overboard Drill		
6. Marine Environmental Response and Readiness Evaluation		

C. Date/Time of Inspection: \_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

D. \_\_\_\_\_ 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> Drill for 201 \_\_\_\_\_. (ERE/MERRE should be conducted every six (6) months, unless there are clear grounds to believe that the officers or crew are not familiar with essential shipboard procedures relating to the safety of the ship or prevention of the pollution).

E. Place of Inspection/Evaluation: CGS/CGSS: \_\_\_\_\_

F. Received by: \_\_\_\_\_

G. Inspected/Evaluated by: \_\_\_\_\_

\_\_\_\_\_  
Name and Signature of OIC of the Facility      Rank/Name      and  
Signature of Officer-In-      Charge/Chief MEP Inspector  
Or Representative

Booklet No. 200001

**INSPECTION RECORD BOOK  
(Facility Oil Refineries)**

**NAME OF DOWNSTREAM SECTOR AND OTHER FACILITIES :** \_\_\_\_\_

**PARTICULARS:**

<b>TYPE OF Facility:</b>	<b>HOMEPORT:</b>
<b>NAME OF OWNER/ OPERATOR:</b>	<b>BUSINESS ADDRESS:</b>
<b>TRADING:</b>	<b>L.O.A. (in meters):</b>
<b>BREADTH (in meters):</b>	<b>DEPTH (in meters):</b>
<b>DRAUGHT (in meters):</b>	<b>GROSS TONNAGE:</b>
<b>NET TONNAGE:</b>	<b>DEADWEIGHT:</b>
<b>MAKE/TYPE OF ENGINE:</b>	<b>HORSE POWER:</b>
<b>SPEED (Cruising/Maximum)</b>	<b>No. of DECK:</b>
<b>No. of MAST:</b>	<b>No. of Officers/Crew</b>
<b>No. of Authorized Passenger:</b>	<b>Built at:</b>
<b>MATERIALS:</b>	<b>Date of Last Dry-docking:</b>

This Downstream Sector and other Facilities Inspection Record Book was issued on \_\_\_\_ day of \_\_\_\_\_ month 20\_\_\_\_.

\_\_\_\_\_  
Commander, Marine Environmental Protection Command

Booklet No. 100001

Part I

Record of Violations/Deficiencies in the conduct of MDSD/PDI/MCI

A. Details of Facility Certificates/Statutory Documents (Not Valid/Expired)

	Date of Issue	Expiry Date
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

B. Nature of Deficiency(ies)

C. Actions Taken (Please indicate)


E. Date/Time of Inspection: \_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

E. Place of Inspection: CGS/CGSS: \_\_\_\_\_

F. Received by: \_\_\_\_\_ G. Inspected by: \_\_\_\_\_

\_\_\_\_\_  
Name and Signature of OIC of the Facility      Rank/Name      and  
Signature of Officer-In-      Charge/Chief MEP Inspector  
Or Representative

Booklet No. 100001

Part II

Records of Drills

A. Nature of Emergency Situation/Evolution (check the appropriate drill conducted):

\_\_\_\_\_ Abandon ship Drill;  
\_\_\_\_\_ Fire in Port Drill / \_\_\_\_\_ At Sea Drill;  
\_\_\_\_\_ Collision at Port Drill / \_\_\_\_\_ At Sea Drill;  
\_\_\_\_\_ Emergency Steering Casualty Drill;  
\_\_\_\_\_ Man Overboard Drill.  
\_\_\_\_\_ Marine Environmental Response and Readiness Evaluation  
\_\_\_\_\_ Others \_\_\_\_\_

B. Place of Drill/Vicinity of:

\_\_\_\_\_  
\_\_\_\_\_  
(Name of nearest shoreline/Locality)  
\_\_\_\_\_  
(Latitude) / (Longitude)

C. Date/Time conducted:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

D. Last Port of Call:

\_\_\_\_\_  
\_\_\_\_\_

E. Date/Time of Departure:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

F. Next Port of Call:

\_\_\_\_\_

G. Date/Time of Arrival:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

H. Duty Officer of the Watch (OOW):

I. Master of the Vessel

\_\_\_\_\_  
Name and Signature of OOW  
License No. \_\_\_\_\_

\_\_\_\_\_  
Name and Signature  
License No. \_\_\_\_\_

Booklet No. 100001

Part III

Record of Violations/Deficiencies in the conduct of MDSD/PDI/CMI

A. Details of Facility Certificates/Statutory Documents (Not Valid/Expired)

	Date of Issue	Expiry Date
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		

B. Nature of Deficiency(ies)

C. Actions Taken (Please indicate)


D. Date/Time of Inspection:

\_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

E. Place of Inspection:

CGS/CGSS:

\_\_\_\_\_

F. Received by:

G. Inspected by:

\_\_\_\_\_  
Name and Signature of OIC of the Facility  
Signature of Officer-In-  
Or Representative

\_\_\_\_\_  
Rank/Name and  
Charge/Chief MEP Inspector

Booklet No. 100001

Part IV

Record of Violations/Deficiencies in the conduct of

A. Nature of Emergency  
Drill /Evolutions

B. Rate attained during Evaluation

	1 <sup>st</sup> Drill (Date: _____)	2 <sup>nd</sup> Drill (Date: _____)
1. Abandon ship Drill		
2. Fire in Port or At Sea Drill		
3. Collision at Port or At Sea Drill		
4. Emergency Steering Casualty Drill		
5. Man Overboard Drill		
6. Marine Environmental Response and Readiness Evaluation		

C. Date/Time of Inspection: \_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

D. \_\_\_\_\_ 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> Drill for 201 \_\_\_\_\_. (ERE/MERRE should be conducted every six (6) months, unless there are clear grounds to believe that the officers or crew are not familiar with essential shipboard procedures relating to the safety of the ship or prevention of the pollution).

E. Place of Inspection/Evaluation: CGS/CGSS: \_\_\_\_\_

F. Received by: \_\_\_\_\_

G. Inspected/Evaluated by: \_\_\_\_\_

\_\_\_\_\_  
Name and Signature of OIC of the Facility      Rank/Name      and  
Signature of Officer-In-      Charge/Chief MEP Inspector  
Or Representative



Booklet No. 300001

**INSPECTION RECORD BOOK  
(Facility Shipyard)**

NAME OF DOWNSTREAM SECTOR AND OTHER FACILITIES : \_\_\_\_\_

**PARTICULARS:**

TYPE OF Facility:	HOMEPORT:
NAME OF OWNER/ OPERATOR:	BUSINESS ADDRESS:
TRADING:	L.O.A. (in meters):
BREADTH (in meters):	DEPTH (in meters):
DRAUGHT (in meters):	GROSS TONNAGE:
NET TONNAGE:	DEADWEIGHT:
MAKE/TYPER OF ENGINE:	HORSE POWER:
SPEED (Cruising/Maximum)	No. of DECK:
No. of MAST:	No. of Officers/Crew
No. of Authorized Passenger:	Built at:
MATERIALS:	Date of Last Dry-docking:

This Downstream Sector and other Facilities Inspection Record Book was issued  
on \_\_\_\_ day of \_\_\_\_ month 20\_\_.

\_\_\_\_\_  
Commander, Marine Environmental Protection Command

Booklet No. 100001

Part I

Record of Violations/Deficiencies in the conduct of MDSD/PDI/MCI

A. Details of Facility Certificates/Statutory Documents (Not Valid/Expired)

	Date of Issue	Expiry Date
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

B. Nature of Deficiency(ies)

C. Actions Taken (Please indicate)


F. Date/Time of Inspection: \_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

E. Place of Inspection: CGS/CGSS: \_\_\_\_\_

F. Received by: \_\_\_\_\_ G. Inspected by: \_\_\_\_\_

\_\_\_\_\_  
Name and Signature of OIC of the Facility      Rank/Name      and  
Signature of Officer-In-      Charge/Chief MEP Inspector  
Or Representative

Booklet No. 100001

Part II

Records of Drills

A. Nature of Emergency Situation/Evolution (check the appropriate drill conducted):

\_\_\_\_\_ Abandon ship Drill;  
\_\_\_\_\_ Fire in Port Drill / \_\_\_\_\_ At Sea Drill;  
\_\_\_\_\_ Collision at Port Drill / \_\_\_\_\_ At Sea Drill;  
\_\_\_\_\_ Emergency Steering Casualty Drill;  
\_\_\_\_\_ Man Overboard Drill.  
\_\_\_\_\_ Marine Environmental Response and Readiness Evaluation  
\_\_\_\_\_ Others \_\_\_\_\_

B. Place of Drill/Vicinity of:

\_\_\_\_\_  
\_\_\_\_\_  
(Name of nearest shoreline/Locality)  
\_\_\_\_\_  
(Latitude) / (Longitude)

C. Date/Time conducted:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

D. Last Port of Call:

\_\_\_\_\_  
\_\_\_\_\_

E. Date/Time of Departure:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

F. Next Port of Call:

\_\_\_\_\_

G. Date/Time of Arrival:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

H. Duty Officer of the Watch (OOW):

I. Master of the Vessel

\_\_\_\_\_  
Name and Signature of OOW  
License No. \_\_\_\_\_

\_\_\_\_\_  
Name and Signature  
License No. \_\_\_\_\_

Booklet No. 100001

Part III

Record of Violations/Deficiencies in the conduct of MDSD/PDI/CMI

A. Details of Facility Certificates/Statutory Documents (Not Valid/Expired)

	Date of Issue	Expiry Date
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		

B. Nature of Deficiency(ies)

C. Actions Taken (Please indicate)


D. Date/Time of Inspection:

\_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

E. Place of Inspection:

CGS/CGSS:

\_\_\_\_\_

F. Received by:

G. Inspected by:

\_\_\_\_\_  
Name and Signature of OIC of the Facility  
Signature of Officer-In-  
Or Representative

\_\_\_\_\_  
Rank/Name and  
Charge/Chief MEP Inspector

DRAFT

Booklet No. 100001

Part IV

Record of Violations/Deficiencies in the conduct of

A. Nature of Emergency  
Drill /Evolutions

B. Rate attained during Evaluation

	1 <sup>st</sup> Drill (Date: _____)	2 <sup>nd</sup> Drill (Date: _____)
1. Abandon ship Drill		
2. Fire in Port or At Sea Drill		
3. Collision at Port or At Sea Drill		
4. Emergency Steering Casualty Drill		
5. Man Overboard Drill		
6. Marine Environmental Response and Readiness Evaluation		

C. Date/Time of Inspection: \_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

D. \_\_\_\_\_ 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> Drill for 201\_\_\_\_\_. (ERE/MERRE should be conducted every six (6) months, unless there are clear grounds to believe that the officers or crew are not familiar with essential shipboard procedures relating to the safety of the ship or prevention of the pollution).

E. Place of Inspection/Evaluation: CGS/CGSS: \_\_\_\_\_

F. Received by: \_\_\_\_\_

G. Inspected/Evaluated by: \_\_\_\_\_

\_\_\_\_\_  
Name and Signature of OIC of the Facility      Rank/Name      and  
Signature of Officer-In-      Charge/Chief MEP Inspector  
Or Representative

Booklet No. 400001

**INSPECTION RECORD BOOK  
(Facility Waste Treatment Facility)**

NAME OF DOWNSTREAM SECTOR AND OTHER FACILITIES : \_\_\_\_\_

**PARTICULARS:**

TYPE OF Facility:	HOMEPORT:
NAME OF OWNER/ OPERATOR:	BUSINESS ADDRESS:
TRADING:	L.O.A. (in meters):
BREADTH (in meters):	DEPTH (in meters):
DRAUGHT (in meters):	GROSS TONNAGE:
NET TONNAGE:	DEADWEIGHT:
MAKE/TYPE OF ENGINE:	HORSE POWER:
SPEED (Cruising/Maximum)	No. of DECK:
No. of MAST:	No. of Officers/Crew
No. of Authorized Passenger:	Built at:
MATERIALS:	Date of Last Dry-docking:

This Downstream Sector and other Facilities Inspection Record Book was issued  
on \_\_\_\_ day of \_\_\_\_ month 20\_\_.

\_\_\_\_\_  
Commander, Marine Environmental Protection Command

Booklet No. 100001

Part I

Record of Violations/Deficiencies in the conduct of MDSD/PDI/MCI

A. Details of Facility Certificates/Statutory Documents (Not Valid/Expired)

	Date of Issue	Expiry Date
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

B. Nature of Deficiency(ies)

C. Actions Taken (Please indicate)


G. Date/Time of Inspection: \_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

E. Place of Inspection: CGS/CGSS: \_\_\_\_\_

F. Received by: \_\_\_\_\_ G. Inspected by: \_\_\_\_\_

\_\_\_\_\_  
Name and Signature of OIC of the Facility      Rank/Name      and  
Signature of Officer-In-      Charge/Chief MEP Inspector  
Or Representative



Booklet No. 100001

Part II

Records of Drills

A. Nature of Emergency Situation/Evolution (check the appropriate drill conducted):

\_\_\_\_\_ Abandon ship Drill;  
\_\_\_\_\_ Fire in Port Drill / \_\_\_\_\_ At Sea Drill;  
\_\_\_\_\_ Collision at Port Drill / \_\_\_\_\_ At Sea Drill;  
\_\_\_\_\_ Emergency Steering Casualty Drill;  
\_\_\_\_\_ Man Overboard Drill.  
\_\_\_\_\_ Marine Environmental Response and Readiness Evaluation  
\_\_\_\_\_ Others \_\_\_\_\_

B. Place of Drill/Vicinity of:

\_\_\_\_\_  
\_\_\_\_\_  
(Name of nearest shoreline/Locality)  
\_\_\_\_\_  
(Latitude) / (Longitude)

C. Date/Time conducted:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

D. Last Port of Call:

\_\_\_\_\_  
\_\_\_\_\_

E. Date/Time of Departure:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

F. Next Port of Call:

\_\_\_\_\_

G. Date/Time of Arrival:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

H. Duty Officer of the Watch (OOW):

I. Master of the Vessel

\_\_\_\_\_  
Name and Signature of OOW  
License No. \_\_\_\_\_

\_\_\_\_\_  
Name and Signature  
License No. \_\_\_\_\_

Booklet No. 100001

Part III

Record of Violations/Deficiencies in the conduct of MDSD/PDI/CMI

A. Details of Facility Certificates/Statutory Documents (Not Valid/Expired)

	Date of Issue	Expiry Date
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		

B. Nature of Deficiency(ies)

C. Actions Taken (Please indicate)


D. Date/Time of Inspection:

\_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

E. Place of Inspection:

CGS/CGSS:

\_\_\_\_\_

F. Received by:

G. Inspected by:

\_\_\_\_\_  
Name and Signature of OIC of the Facility  
Signature of Officer-In-  
Or Representative

\_\_\_\_\_  
Rank/Name and  
Charge/Chief MEP Inspector

Booklet No. 100001

Part IV

Record of Violations/Deficiencies in the conduct of

A. Nature of Emergency  
Drill /Evolutions

B. Rate attained during Evaluation

	1 <sup>st</sup> Drill (Date: _____)	2 <sup>nd</sup> Drill (Date: _____)
1. Abandon ship Drill		
2. Fire in Port or At Sea Drill		
3. Collision at Port or At Sea Drill		
4. Emergency Steering Casualty Drill		
5. Man Overboard Drill		
6. Marine Environmental Response and Readiness Evaluation		

C. Date/Time of Inspection: \_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

D. \_\_\_\_\_ 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> Drill for 201\_\_\_\_\_. (ERE/MERRE should be conducted every six (6) months, unless there are clear grounds to believe that the officers or crew are not familiar with essential shipboard procedures relating to the safety of the ship or prevention of the pollution).

E. Place of Inspection/Evaluation: CGS/CGSS: \_\_\_\_\_

F. Received by: \_\_\_\_\_

G. Inspected/Evaluated by: \_\_\_\_\_

\_\_\_\_\_  
Name and Signature of OIC of the Facility      Rank/Name      and  
Signature of Officer-In-      Charge/Chief MEP Inspector  
Or Representative

Book No. 500001

**INSPECTION RECORD BOOK**  
**(Other Facilities Storing/ Using or Oil-Fired Power Barges and Power Plants)**

**NAME OF DOWNSTREAM SECTOR AND OTHER FACILITIES :** \_\_\_\_\_

**PARTICULARS:**

<b>TYPE OF Facility:</b>	<b>HOMEPORT:</b>
<b>NAME OF OWNER/ OPERATOR:</b>	<b>BUSINESS ADDRESS:</b>
<b>TRADING:</b>	<b>L.O.A. (in meters):</b>
<b>BREADTH (in meters):</b>	<b>DEPTH (in meters):</b>
<b>DRAUGHT (in meters):</b>	<b>GROSS TONNAGE:</b>
<b>NET TONNAGE:</b>	<b>DEADWEIGHT:</b>
<b>MAKE/TYPE OF ENGINE:</b>	<b>HORSE POWER:</b>
<b>SPEED (Cruising/Maximum)</b>	<b>No. of DECK:</b>
<b>No. of MAST:</b>	<b>No. of Officers/Crew</b>
<b>No. of Authorized Passenger:</b>	<b>Built at:</b>
<b>MATERIALS:</b>	<b>Date of Last Dry-docking:</b>

This Downstream Sector and other Facilities Inspection Record Book was issued on \_\_\_\_ day of \_\_\_\_ month 20\_\_.

\_\_\_\_\_  
Commander, Marine Environmental Protection Command

Booklet No. 100001

Part I

Record of Violations/Deficiencies in the conduct of MDSD/PDI/MCI

A. Details of Facility Certificates/Statutory Documents (Not Valid/Expired)

	Date of Issue	Expiry Date
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

B. Nature of Deficiency(ies)

C. Actions Taken (Please indicate)


H. Date/Time of Inspection: \_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

E. Place of Inspection: CGS/CGSS: \_\_\_\_\_

F. Received by: \_\_\_\_\_ G. Inspected by: \_\_\_\_\_

\_\_\_\_\_  
Name and Signature of OIC of the Facility      Rank/Name      and  
Signature of Officer-In-      Charge/Chief MEP Inspector  
Or Representative

Booklet No. 100001

Part II

Records of Drills

A. Nature of Emergency Situation/Evolution (check the appropriate drill conducted):

\_\_\_\_\_ Abandon ship Drill;  
\_\_\_\_\_ Fire in Port Drill / \_\_\_\_\_ At Sea Drill;  
\_\_\_\_\_ Collision at Port Drill / \_\_\_\_\_ At Sea Drill;  
\_\_\_\_\_ Emergency Steering Casualty Drill;  
\_\_\_\_\_ Man Overboard Drill.  
\_\_\_\_\_ Marine Environmental Response and Readiness Evaluation  
\_\_\_\_\_ Others \_\_\_\_\_

B. Place of Drill/Vicinity of:

\_\_\_\_\_  
\_\_\_\_\_  
(Name of nearest shoreline/Locality)  
\_\_\_\_\_  
(Latitude) / (Longitude)

C. Date/Time conducted:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

D. Last Port of Call:

\_\_\_\_\_  
\_\_\_\_\_

E. Date/Time of Departure:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

F. Next Port of Call:

\_\_\_\_\_

G. Date/Time of Arrival:

\_\_\_\_\_  
(Date) / (Time) / (Month/Year)

H. Duty Officer of the Watch (OOW):

I. Master of the Vessel

\_\_\_\_\_  
Name and Signature of OOW  
License No. \_\_\_\_\_

\_\_\_\_\_  
Name and Signature  
License No. \_\_\_\_\_

Booklet No. 100001

Part III

Record of Violations/Deficiencies in the conduct of MDSD/PDI/CMI

A. Details of Facility Certificates/Statutory Documents (Not Valid/Expired)

	Date of Issue	Expiry Date
1.		
2.		
3.		
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5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		

B. Nature of Deficiency(ies)

C. Actions Taken (Please indicate)


D. Date/Time of Inspection:

\_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

E. Place of Inspection:

CGS/CGSS:

\_\_\_\_\_

F. Received by:

G. Inspected by:

\_\_\_\_\_  
Name and Signature of OIC of the Facility  
Signature of Officer-In-  
Or Representative

\_\_\_\_\_  
Rank/Name and  
Charge/Chief MEP Inspector

DRAFT



Booklet No. 100001

Part IV

Record of Violations/Deficiencies in the conduct of

A. Nature of Emergency  
Drill /Evolutions

B. Rate attained during Evaluation

	1 <sup>st</sup> Drill (Date:_____)	2 <sup>nd</sup> Drill (Date:_____)
1. Abandon ship Drill		
2. Fire in Port or At Sea Drill		
3. Collision at Port or At Sea Drill		
4. Emergency Steering Casualty Drill		
5. Man Overboard Drill		
6. Marine Environmental Response and Readiness Evaluation		

C. Date/Time of Inspection: \_\_\_\_\_ (day/time) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

D. \_\_\_\_\_ 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> Drill for 201\_\_\_\_\_. (ERE/MERRE should be conducted every six (6) months, unless there are clear grounds to believe that the officers or crew are not familiar with essential shipboard procedures relating to the safety of the ship or prevention of the pollution).




E. Place of Inspection/Evaluation: CGS/CGSS: \_\_\_\_\_

F. Received by: \_\_\_\_\_

G. Inspected/Evaluated by: \_\_\_\_\_

\_\_\_\_\_  
Name and Signature of OIC of the Facility      Rank/Name      and  
Signature of Officer-In-      Charge/Chief MEP Inspector  
Or Representative

**LEDGER:**

	Comment from CG-9
	Comment from CGDNM Stakeholders
	Comment from CGDCV Stakeholders

DRAFT