



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

17 October 2005

MEMORANDUM CIRCULAR)
:
NUMBER.04-2005)

ACCREDITATION OF OIL WATER SEPARATORS,
OIL CONTAINMENT, RECOVERY AND
DISPERSAL EQUIPMENT AND CHEMICAL DISPERSANTS

1. AUTHORITY:

Presidential Decree No. 600, as amended by Presidential Decree 979, empowers the Philippine Coast Guard to promulgate and enforce rules and regulations for the prevention and control of marine pollution.

2. SCOPE:

This Memorandum Circular shall apply the following:

- a. Vessels four hundred (400) gross tons and above and oil terminals discharging oily and dirty ballast;
- b. Self-propelled barges/tankers, vessels towing dumb barges, refineries and depots;
- c. Oil refineries and major oil loading ports; and
- d. Manufacturers, dealers or distributors of oil-water separator, oil containment, recovery and dispersal equipment, or chemical dispersant.

3. PURPOSE:

The purpose of this Circular is to prescribe the procedures for the accreditation of chemical dispersants, oil containment, recovery dispersal equipment and oil separators, prescribe requirements to be observed by the subjects of this Circular, and to impose the corresponding sanctions for its violation.

4. GENERAL REQUIREMENTS:

- a) All oil-water separating equipment installed on board vessels of 400 gross tons and above and oil tankers 150 GT and above shall be duly approved by the Philippine Coast Guard (PCG) to insure that any oil mixture discharged into the open sea, while the vessel is underway, after passing through the separators or filtering system have an oil content of not more than 15 parts per million (ppm).
- b) Self-propelled barges/tankers and vessels towing dumb barges containing oil in special areas shall have on board at least one (1) 210 liter drum of dispersants. (Same as para 4c)
- c) Oil companies shall provide the following PCG-approved items:
 - (1) Twenty (20) drums of dispersants to refineries;
 - (2) Five (5) drums of dispersants to depots;
 - (3) Oil containment, recovery and dispersal equipment to major oil-loading ports; and
 - (4) Appropriate receiving facility equipped with an oil water separator to oil terminals discharging oil and ballast.
- d) PCG personnel shall not engage in the manufacture, dealing or distribution of oil-water separators, oil containment, recovery and dispersal equipment or chemical dispersants.

5. PROCEDURE:

- a) Applications for the type or brand accreditation of chemical dispersants, oil containment, recovery and dispersal equipment and oil-water separators shall be filed with the Director, National Operations Center for Oil Pollution (DNOCOP), Farola Compound, Binondo, Manila. The application shall include brochures/catalogues with specifications from the manufacturer for study and evaluation.
- b) Upon receipt of the application, DNOCOP or his duly authorized representative shall conduct tests on the operational capabilities and effectiveness of the oil-water separators, oil containment, recovery and dispersal equipment or toxicity of chemical dispersants, as the case may be, and submit to Commander, Marine Environmental Protection Command (CMEPCOM) the result of such test and his recommendation thereon.
- c) If found satisfactory, CMEPCOM shall recommend to the Commandant, Philippine Coast Guard (CPCG) the issuance of a certificate of accreditation in favor of the manufacturer/dealer/distributor for the

particular model/type or brand of the item(s) for which accreditation is requested.

- d) Prior to the installation of any equipment on board vessels, in oil terminals, refineries and depots, CMEPCOM shall be informed in writing by its manufacturer dealer or distributor.

6. FEES:

The following fees shall be imposed for the issuance of a Certificate of Accreditation:

a. Testing fee for Oily-Water Separators (Three (3) samples at P2,000.00/sample)	Php 6,000.00
b. Toxicity and Effectiveness Test for Oil Spill Dispersant	Php 3,000.00
c. Accreditation Fee for each type of Oil Containment and Recovery Equipment	Php 1,000.00
d. Fee for Certificate	Php300.00

7. PENALTY CLAUSE:

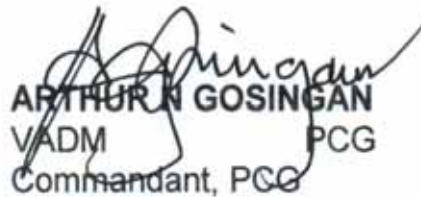
- a. In case of failure of the equipment, after its installation to produce an effluent within the standards set by the PCG resulting to pollution of the sea due to mechanical defect already existing prior to its installation, the manufacturer/dealer/distributor from whom the equipment was purchased shall be held administratively liable and shall be subject to an administrative fine in the amount of Ten Thousand Pesos (P10, 000.00) and the cancellation of the Certificate of Accreditation. Provided further that the defective equipment shall be replaced at the expense of the manufacturer/distributor/dealer upon coordination with the owner/operator of the vessel or oil firm.
- b. If an equipment/dispersant heretofore prescribed is installed/provided without the Certificate of Accreditation from the PCG, the owner/operator of the vessel or firm concerned shall pay the fine in the amount of Ten Thousand Pesos (P10, 000.00) and shall effect the immediate replacement of the equipment/dispersant without prejudice to his right of action against the manufacturer dealer or distributor, who is subsidiarily liable.
- c. The fines/penalties herein prescribed shall be imposed only after the offender shall have been found guilty of the imputed violation in an administrative investigation conducted by Investigation and Adjudication Officer.

8. REPEALING CLAUSE:

Memorandum Circular No. 06-2001 dated 16 September 2001 is hereby repealed.

9. EFFECTIVITY:

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



ARTHUR N GOSINGAN
VADM PCG
Commandant, PCG

Note: Published in the Official Gazette on 23 October 2006

ANNEX I

RULES OF PROCEDURE BEFORE THE INVESTIGATION AND ADJUDICATION OFFICER FOR MARINE ENVIRONMENT PROTECTION AND POLLUTION CASES

SECTION 1 - Title - These rules to be known as the Rules of Procedure shall govern the procedure before the Investigation and Adjudication Officers (IAO) of the Philippine Coast Guard.

SECTION 2 - Applicability - These rules shall apply to all marine environment protection and pollution cases brought before the IAO.

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 - Consistent with the 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 a suppletory character and whenever applicable.

SECTION 5 - Jurisdiction - The IAO shall investigate and adjudicate violations of existing marine environment protection and pollution laws, rules and regulations. Provided, however, that the Commandant, PCG may allow of 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. Provided, finally that the IAO designated for Headquarters, Marine Environmental Protection Command and such other major units of the Philippine Coast Guard shall take cognizance of marine environment protection and pollution cases with international character or as the Commandant, PCG may deem appropriate. Minor and medium oil spills fall within the jurisdiction of DNOCOP/District Commanders. Administrative cases involving major oil spills fall within the jurisdiction of HMEPCOM.

SECTION 6 - Investigation, How Initiated - Administrative investigation may be commenced by:

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

Summons and/or complaint shall be served personally upon the parties. If the receipt of the summons and/or complaint is refused, service shall be made by tendering it to him. 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 - Time to Submit Evidence – The parties and their witnesses shall be notified in writing of the scheduled investigation at least five (5) days before the date thereof, specifying the time and place of investigation. Provided that within five (5) days from receipt of notice the parties shall submit evidence before the IOA. Provided further that the service of an Inspection/Apprehension Report (IAR) shall be sufficient to require the respondent to submit evidence within ten (10) days before the IAO.

SECTION 8 - Conduct of Investigation - In any investigation commenced pursuant to Section 7, hereof, 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 specified in the notice of investigation or within ten (10) days after receipt of an Investigation/Apprehension Report (IAR). Affidavits submitted by the parties shall constitute their direct testimonies. After the reglementary period has prescribed IAO can take action on the basis of the evidence on record.

SECTION 9 - 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 questions to the witnesses.

SECTION 10- Expert Witnesses - Government expert witnesses, such as doctors of medicine, handwriting experts, and chemist, among others, need not be summoned to testify on their reports, which shall be accepted at their face value and upon their official certification.

SECTION 11 - Appearance and Admission of Violation - On or before the date of investigation, the respondent may admit the charge(s) to the

IAO. This admission shall be made on record. Thereafter, a Report shall immediately be made stating the admissions and recommending the imposition of the appropriate administrative sanctions and the case shall be considered terminated.

SECTION 12 - 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.

SECTION 13 - Finality of Decision and Appeal - Decisions of the IAO shall be final and executory within fifteen (15) days from receipt of a copy thereof, unless appealed to the proper reviewing authority.

Decisions of the IAO in minor and medium oil spills are appealable to HMEPCOM. On the other hand, decisions of the IAO in major oil spills are appealable to the Commandant, PCG. In all cases, a Notice of Appeal shall be filed to the IAO whose decision is appealed from within fifteen (15) days from receipt this decision.

SECTION 14 - How Appeal is Taken - Appeal may be taken by filing upon the IAO a Notice of Appeal within a period of fifteen (15) days from receipt of the decision.

SECTION 15 - Contents of Notice of Appeal - A Notice of Appeal shall specify and designate the errors of the judgment or decision, or part thereof appealed from. The IAO, shall, upon receipt of a Notice of Appeal and perfection thereof, transmit the record to the proper reviewing authority.

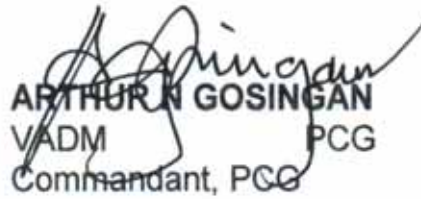
SECTION 16 - Appeal By One of Several Respondents - When there are several respondents in a case, any one or all of them may appeal, but any respondent who does not join the appeal shall not be prejudiced thereby, except when there is manifest error in the appealed decision.

SECTION 17 - Withdrawal of Appeal - Notwithstanding the perfection of the appeal, the Commandant, PCG may allow the same at any time before the appeal is finally resolved by the Commandant in which case the appealed decision shall stand as though no appeal had been taken.

SECTION 18 - 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 IAO. The parties shall be notified of the decision by personal service or by registered mail as the case may be.

SECTION 19 - 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. 03-94 (dated 16 August 1994) is hereby repealed.

SECTION 20 - Effectivity Clause - These rules shall take effect upon the effectivity of HPCG Memorandum Circular 04-2005. They shall govern all cases which are filed subsequent to the effectivity of these rules and pending cases, after they take effect, except to the extent that in the opinion of the Commandant, PCG, their application would not be feasible or would work injustice, in which event the former procedure shall apply.



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