



**PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS**

(Headquarters, Philippine Coast Guard)

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Manila

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**HPCG/CG-9**

**MEMORANDUM CIRCULAR**

NUMBER . . . . . 07-14

**PREVENTION OF POLLUTION FROM GARBAGE**

**SECTION I     AUTHORITY**

- A. Republic Act 9993: The Philippine Coast Guard Law of 2009 and its Implementing Rules and Regulation
- B. Presidential Decree No. 600: Marine Pollution Decree of 1974
- C. Presidential Decree No. 602: National Oil Pollution Operations Center Decree
- D. Presidential Decree No. 979: Marine Pollution Decree of 1976

**SECTION II    REFERENCE**

- A. Regulation 26, Annex V of the International Convention for the Prevention of Pollution from Ships, MARPOL 73/78
- B. Republic Act 9275: Philippine Clean Water Act of 2004

**SECTION III   PURPOSE**

The purpose of this Memorandum Circular is to provide rules and regulations to prevent pollution from garbage within the Philippine maritime jurisdiction and prescribing the fines and penalties thereof.

**SECTION IV    SCOPE**

This Memorandum Circular shall apply to all vessels and small crafts operating within the Philippine maritime jurisdiction.

## SECTION V DEFINITION OF TERMS

- A. **Cargo-associated Waste** - any matter which have become waste as a result of cargo stowage and handling, including, but not limited to dunnage shoring, pallets, lining and packing materials, plywood, paper, cardboard, wire and steel strapping.
- B. **Cargo Residues** - remnants of any cargo material on board that cannot be placed in proper holds or which remains in cargo holds or elsewhere after unloading procedures have been completed.
- C. **Domestic Waste** - all types of food waste and wastes generated in the living spaces on board the ship.
- D. **Dishwater** - residue from the manual or automatic washing of dishes and cooking utensils which have been pre-cleaned to the extent that any food particles adhering to it would not normally interfere with the operation of automatic dish washers.
- E. **Food Wastes** - any spoiled or unspoiled victual substances, such as fruits, vegetables, dairy products, poultry, meat products, food scraps, food particles and other matter contaminated by these substances, generated aboardship, principally in the galley and dining areas.
- F. **Fishing Gear** - any device or part thereof that may be placed in the water for the purpose of capturing, or controlling for subsequent capture, living marine or freshwater organisms.
- G. **Garbage** - all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes of MARPOL 73/78 Convention. For purposes of this Circular, the term “wastes” shall be used synonymously with the term garbage.
- H. **Maintenance Waste** - any matter collected by the engine and deck department while maintaining and operating the vessel, such as soot, machinery, deposits, scraped paint, deck sweeping, wiping waste and rags, etc.
- I. **Operational Waste** - all cargo associated with maintenance waste and cargo residues
- J. **Plastic** - solid material containing one or more synthetic organic high polymers and which is formed/shaped by heat and/or pressure either during the manufacture of the polymer or the fabrication into a finished product, have material properties ranging from hard and brittle to soft and elastic, and is used for marine purposes including, but not limited to packaging, ships construction, disposable eating utensils, bags, sheeting,

floats, fishing nets, strapping bands, rope and line

- K. **Philippine Maritime Jurisdiction** - include all bodies of water within the Philippine territory such as lakes, rivers, streams, creek, 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, includes the territorial sea, the sea beds, and insular shelves, and all other waters over which the Philippine has sovereignty and jurisdiction, including the 200-nautical miles Exclusive Economic Zone and the continental shelf.
- L. **Reception Facility** - refers to a port garbage discharge reception facility provided by the ports authority or a mobile discharge reception service provided by, or approved contract with or a permit issued by the PPA, Environmental Management Bureau (EMB) or the Department of Environment and Natural Resources (DENR), as the case may be.
- M. **Special Area** - a body of water, which due to recognized technical reasons in relation to its oceanographic and ecological condition and strategic importance, is deemed subject to special control.
- R. **Special Permit** - a document issued by the Philippine Coast Guard in favor of ship operators and shipyards, granting the latter the authority to dump wastes/garbage into the sea or any body of water within the territorial jurisdiction of the Philippines, subject to specified conditions prescribed by PCG rules and regulations on dumping and discharge of waste and other harmful matters.

## **SECTION VI     POLICIES**

- A. **Prohibitions:** It shall be unlawful for any person to dispose into any body of water within the Philippines:
  - (1) Any material made of plastic including, but not limited to synthetic fishing nets and plastic garbage bags; or
  - (2) Any domestic, cargo-associated, maintenance and/or operational waste.
- B. **Exceptions:** The prohibitions in the preceding paragraph shall not apply in the following instances:
  - (1) Disposal of garbage into any body of water shall be done at the nearest land in accordance with the conditions contained in Annex I.
  - (2) Disposal of garbage resulted as a consequence of damage to the ship arising from accidents like collision at sea, sinking and/or

grounding as a result of force majeure or if the disposal appears to be the only way of averting grave, real and imminent danger to life or property, provided that the damage caused by reason of the disposal is less than would have otherwise occurred.

- (3) Disposal into any body of water of harmful substances or wastes containing substances is allowed by a Special Permit issued by Commandant, PCG in accordance with the PCG Memo Circular on "Rules Governing the Dumping and Discharge of Waste and Other Harmful Matters". In no case shall any form of discharge be made in the Special Areas.

## **SECTION VII      REQUIREMENTS**

### **A. Ship Operators**

- 1) Minimize the generation of garbage by limiting the taking on board ship of potential garbage.
- 2) Replace disposable plastic sheeting used for cargo protection with permanent, re-useable covering materials.
- 3) Adapt storage systems and method that shall promote the re-use of covering, dunnage, shoring and packing materials.
- 4) Dispose garbage at the port reception facilities and retain on board appropriate facilities to be approved by the PCG.
- 5) Utilize comminuters or grinders capable of passing through a screen with an opening not greater than twenty-five (25) millimeters before disposal.
- 6) Develop Garbage Management Plans and submit it to the Commander, Marine Environmental Protection Command for approval. Once approved, the plan shall be incorporated into the crew and vessel operating manuals.

### **B. Vessel**

- 1) Plastic garbage shall be disposed at port reception facilities.
- 2) Every vessel shall have a shipboard team responsible for proper handling and storing of garbage.
- 3) Passengers shall be briefed on the shipboard garbage disposal system.

- 4) A summary of the restrictions regarding the discharge of garbage from ships a Garbage Disposal Regulation Placards shall be permanently posted on board in a conspicuous place.
- 5) Officers on board and/or the crew shall assist in the recovery and proper disposal of potentially harmful garbage.
- 6) All vessels shall have Garbage Record Book, duly registered at MEPCOM, maintained and kept on board at all times. The following matters shall be recorded:
  - a) Loss of fishing gears
  - b) Discharge of cargo residues
  - c) Discharge at port reception facilities
  - d) Discharge of garbage at sea
- 7) There shall be adequate color coded garbage receptacle on board.
- 8) There shall be adequate and appropriate garbage containers aboard ship.
- 9) All garbage disposed to Port Reception Facilities/Accredited Garbage Collectors shall be covered by a receipt issued by the same and must be recorded in the Garbage Record Book.
- 10) All port reception facilities/garbage collectors must be accredited by the PCG.
- 11) All ships are required to discharge their garbage/waste in port reception facilities/garbage collection site.

**C. Others**

- (1) Shipyards shall provide reception facilities and/or services for garbage and other form of refuse from ship calling in for repairs.
- (2) Port authorities shall provide appropriate reception facilities for vessel calling in their ports.

**SECTION VIII     FEES**

Prescribed fees for the following documents shall be subject to ten percent (10%) increase every year:

- A. Registration of Garbage Management Plan—Php 2,000.00

B. Registration of Garbage Record Book – Php 500.00

**SECTION IX FINES AND PENALTIES**

- A. Any person who shall be found violating the provisions of Section VI and Section VII of this Circular shall be liable to pay the administrative fine in the amount of **Fifty Thousand Pesos (P50,000.00)**, without prejudice to civil and/or criminal action(s) which the PCG may file against the violator whenever warranted.
- B. The aforementioned administrative fine and penalties herein 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.
- C. The imposition of administrative penalty mentioned in paragraph A shall be without prejudice to other sanctions that may be imposed for violation of any law, rule or regulation arising from the same act.

**SECTION X REPEALING CLAUSE**

Memorandum Circular No. **02-2005** dated **14 October 2005** is hereby repealed.

**SECTION XI EFFECTIVITY**

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

  
**RODOLFO D ISORENA**  
VADM PCG  
Commandant, PCG

Approved by:

  
**JOSEPH EMILIO AGUINALDO ABAYA**  
Secretary, DOTC

Note: Published in the Official Gazette on \_\_\_\_\_



DOTC-OSEC OUTGOING 15-00074

## ANNEX I

<b>Illegal to Dump (Philippine Lakes, Rivers Bays, Sounds and 3 miles)</b>	<b>Illegal to Dump (3 to 12 miles)</b>	<b>Illegal to Dump (12 to 25 miles)</b>	<b>Illegal to Dump (Outside 25 miles)</b>
Plastic & Garbage Paper Metal Rags Crockery Glass Dunnage	Plastic Dunnage, lining & packing materials the float.  Also if not found to less than one inch:  1. Paper 2. Crockery 3. Rags 4. Metals 5. Glass 6. Food	Plastic, Dunnage, lining & packing materials that float	Plastics and the like