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SENATE
P.S. Resolution No. **652**

RECEIVED BY: *[Signature]*

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE SEAWORTHINESS OF VESSELS TO ENSURE SAFE AND EFFICIENT OPERATIONS IN ORDER TO AVOID MARITIME ACCIDENTS WHICH HAVE PLAGUED THE PHILIPPINE SEAS IN THE PAST DECADES

Whereas, Article 1732 of the Civil Code states that common carriers are persons, corporations, firms or associations engaged in the business of carrying or transporting passengers for passengers or goods or both, by land, water, or air for compensation, offering their services to the public. Further, under the Carriage of Goods by Sea Act provides that the carrier shall be bound before and at the beginning of the voyage to exercise due diligence to make the ship seaworthy;

Whereas, the carriers are deemed to impliedly warrant the seaworthiness of the ship. For a vessel to be seaworthy, it must be adequately equipped for the voyage and manned with a sufficient number of competent officers and crew. The failure of a common carrier to maintain in seaworthy condition the vessel involved in its contract of carriage is a clear breach of its duty prescribed in Article 1755 of the Civil Code;

Whereas, no less than the Supreme Court held that these provisions owed their conception to the nature of the business of common carriers. This business is impressed with a special public duty. The public relies on the care and skill of common carriers in the vigilance over the goods and safety of the passengers, especially because with the modern development of science and invention, transportation has become more rapid, more complicated and somehow more hazardous;

Whereas, despite the explicit provisions of the laws and the jurisprudence laid down by the Supreme Court, maritime accidents are unfortunately common and quite frequent in the Philippines. Considering the country's geographical position, eight (8) deadliest ferry disasters occurred in the last two decades and among which, Sulpicio Lines, Inc. owned three vessels: MV Doña Paz in 1987, MV Doña Marilyn in 1988 and MV Princess of the Orient in 1998. The worst maritime disaster happened in December 1987 when MV Doña Paz ferry collided with a tanker, leaving more than 4,000 people dead;

Whereas, on August 11, 2006, the M/T Solar I sank and brought about the Guimaras oil spill. Maritime accidents mentioned in the news reports by the Department of Social Welfare and Development and the National Disaster Risk Reduction and Management Council (NDRRMC) include the M/B Sunjay on January 15, 2006, M/B Leonida II on November 25, 2006, M/V Catalyn on June 10, 2007, M/V Blue Water Princess I on July 12, 2007 and M/V Don Wilfredo on February 14,

2008;

Whereas, on April 16, 2014, a Korean Ferry, MV Sewol, sank while navigating Korea's domestic water. This tragic incident took the lives of 475 people, mostly Korean high school students. Questions on the integrity of the stability of the vessel due to the alterations that were done when the ship was cited to be one of the probable causes of the ship's sinking. MV Sewol was 18 years old when sold to Korea by a Japanese company, Hayashikane Shipbuilding & Engineering Co. Ltd.;

Whereas, due to the prohibitive cost of building and/or buying a new ship, Filipino shipping companies resort to buying a second hand ship from Japan. Japan has a policy that does not allow shipping vessels that are more than 20 years old to trade in their domestic waters. In effect, Japanese ship owners sell their "old" ships to other countries like Korea and Philippines at a cheaper cost. Filipino ship owners, upon buying these ships, do alterations to accommodate more passengers and cargo loads to maximize profit;

Whereas, with more than 7,000 islands, transportation by sea is crucial to the Philippines. Maritime accidents lead to tragic loss of lives and irreparable damage to the environment. These untoward accidents placed in jeopardy the credibility and competence of the maritime officials and employees. The issues on the navigational experience of the concerned government agencies in handling the vessels as well as the training of the maritime officers at times of distress, and the seaworthiness of the vessel remained unanswered through the years;

Whereas the national government has the duty to implement positive measures that can alleviate, if not resolve, the recurring maritime accidents over the past decades. It should give appropriate emphasis on the seaworthiness of the vessels being used by the shipping companies and must demonstrate stronger commitment in the effective implantation of the laws in order to safeguard the safety of the public;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved to direct the appropriate Senate committees to conduct an inquiry, in aid of legislation, on the seaworthiness of vessels to ensure safe and efficient operations in order to avoid maritime accidents which have plagued the Philippine seas in the past decades.

Adopted,

