



**TANGGAPAN NG KOMANDANTE**  
**(Office of the Commandant)**  
**PUNONGHIMPILAN TANOD BAYBAYIN NG PILIPINAS**  
**(Headquarters Philippine Coast Guard)**  
139 25<sup>th</sup> Street, Port Area  
Manila

**07 September 1990**

**CG – 08**

**MEMORANDUM CIRCULAR**  
**NUMBER.....06 – 90**

**MARINE PROTEST**

**I. PURPOSE:**

To prescribe the standard content and format of Marine Protest to be filled by the Master of the ship in accordance with the Section 1603, Chapter XVII of the PMMR to ensure competence and pertinence of details incorporated in the protest in order to facilitate administrative inquiry or appropriate disposition by competent authority.

**II. SCOPE:**

**A.** This applies to all Philippine and foreign registered vessels in operating in or involved in a specific incident in Philippine waters.

**B.** This likewise applies to Philippine registered vessels incurring accident in international or foreign waters.

**III. GENERAL:**

**A.** “Marine Protest” is a declaration on oath by the master of the circumstances attending the damage or loss of his vessel, intended to show that the loss accrued by the perils of the sea and concluding with the protestation against any liability of the owner to the freighters. It’s used and design is to authenticate the facts and circumstances of a loss to insurer and all concerned.

**B.** as the marine safety agency, the Philippine Coast Guard has expanded its meaning and requires the same for the purpose of official record of the

maritime accident, and in determining whether the merchant marine officers and personnel should be declared of any liability, further investigate or proceed against by competent authority.

- C. Marine protest shall be the primary evidence in the investigation of accident involving the vessel by a HEARING OFFICER, a BOARD OF INQUIRY or any investigation. However, its absence shall not preclude the conduct of an investigation as deemed necessary by any Coast Guard Officer on official duty.
- D. The protest shall be submitted to the Coast Guard Station Commander of the area where the accident or any incident has occurred or of the first immediate port of call.

**IV. INCIDENTS FOR WHICH REQUIRED:**

A marine protest shall be submitted under the following circumstances:

- A. Actual physical damage to property exceeding P1,000.00;
- B. Material damage affecting seaworthiness or efficiency of a vessel;
- C. Standing grounding or sinking of the vessel or fire on board;
- D. Loss of life;
- E. Injuring causing any persons to remain incapacitated for a period of seventy (70) hours, except injury to harbor workers not resulting from vessel equipment casualty;
- F. Any deviation from her cause or delay beyond the control of the master;
- G. Any serious breach of charter party terms if committed by any party other than the ship's crew as refusal to load, unduly delaying of loading, loading improper cargo, refusal to pay discharge fees, refusal to accept bill of lading in form signed by the master;
- H. Failure of consignee to take delivery of cargoes or fails to discharge cargo thereof or pay freight in accordance with charter party bill of lading terms;
- I. Arrival of vessel under stress; and
- J. To provide additional information relevant to the incident or circumstances, this may give, rise or may have given rise to suspicion on the negligence or incompetent of the master or crew.

**V. CONTENT:**

The Marine Protest shall show the following:

- A. Name of master/captain of vessel, address, type or class of vessel;
- B. Name of ship, registry number, homeport, net and gross tonnage's, type of cargoes, if any passenger super cargoes crew;
- C. Date of arrival of vessel;
- D. Circumstances leading to the condition/state of the vessel, incident, measures/action taken, place where she was, the nature of the incident and probable cause, persons involved, etc, which answers the questions of what, where, when and how;
- E. Weather sea and condition prevailing to include height and length of waves, winds prevailing velocity, tide current and visibility;
- F. Results arising from the incident
  - 1. Number and names of persons killed and injured.
  - 2. Loss or damage to property to include cargoes on other ships and estimates value of loss.

**VI. FORMAT:**

- A. The official format showed in Annex "A" (PCG Form 8-1). Exhibit may be deleted if all required information as enumerated in the PROTEST.
- B. The master of a vessel may be file a different marine protest format provided that it contains at least all of the pertinent facts and information as enumerated in the paragraph 5.

**VII. FILES AND REPORTS:**

- A. Copies of Marine Protest received shall be filled in a separate file for permanent reference. They shall be duly indexed and assigned file numbers.
- B. Reports of Marine Protests received shall be included in the Monthly Report of Station and District Commanders.

**VIII. RESPONSIBILITY:**

- A. District/Station/Detachment Commanders shall be responsible for the dissemination and effective supervisory implementation of this Memo Circular with their jurisdiction
- B. CGAO shall ensure inclusion of the prescribed FORM Format Man

C. CG – 8 shall oversee the implementation of this memo Circular, and ensure shipping companies are furnished copies hereof.

IX. **EFFECTIVITY:**

This Memorandum Circular shall take effect on 1 November 1990.

(SGD)  
CARLOS L AGUSTIN  
Commo, AFP