

Mr. Ritche P. Capahi (Philippines)
2007-2008 United Nations – The Nippon Foundation of Japan Fellow



Bio-Sketch

Ritche graduated with a bachelor of law degree at the University of the East, Recto, Manila in 2004 and was admitted to the Philippine Bar in May 2005. He is currently a legal officer under the Maritime Legal Affairs Office of the Maritime Industry Authority in the Philippines, an attached agency of the Department of Transportation and Communication responsible primarily for the regulation and promotion of the Maritime Industry specifically those related to shipping. His responsibilities as a legal officer include, among others, to study and assist in policy making on maritime matters for recommendations, hear and decide on administrative cases relating mostly to violations of the Agency's rules and regulations..

Fellowship Host Institutions and Supervisors

1. University of Queensland, Brisbane, Queensland, Australia (Dr. Sarah Derrington)
2. The Division for Ocean Affairs and the Law of the Sea (Dr. François Bailet)

Research Abstract (preliminary)

Maritime Liens and Ship Mortgage System in the Philippines

Due to the heavy capital requirements for repairs and vessel acquisitions, Philippine vessels are old and outdated, a situation which affects their seaworthiness and sometimes acts as an obstacle in the compliance of the international standards set by IMO. In the pursuit of the United Nations Convention on the Law of the Sea (LOSC) provisions related to navigational safety and environmental protection, improving conditions for ship financing is therefore indispensable in the development of national merchant fleets. However, one of the barriers of the banking and financial institutions' reluctance to provide financial assistance is the Philippine's system on the law of maritime liens and ship mortgages. Thus, this paper will examine the current law on the subject matter and propose improvements which may lead to more favourable conditions for ship financing and result in a uniformity of application of the international practice outside the Philippines. This will be achieved by providing an analysis of the 1993 Convention on Maritime Liens and Mortgages and further comparing the relevant legislations of the Philippines and Australia, as the latter affords more protection to the mortgage creditors a distinguishing feature of the British law which is in contrast with the United States system which is currently adopted by the Philippines. Toward that end, this paper will allow the Philippines to restructure its laws on the subject matter in accordance with the objective and consistent with the promotion of the maritime industry.

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