

UNITED STATES COAST GUARD



ADDRESS REPLY TO:

Commandant
U. S. Coast Guard
Headquarters
Washington 25, D. C.

MVI
(ANAHILDA a-7 Bd)
2 January 1958

Commandant's Action

on

Marine Board of Investigation; swamping and capsizing of the outboard motorboat ANAHILDA, with loss of life, off Guanica, Puerto Rico, on 30 June 1957

1. Pursuant to the provisions of Title 46 CFR Part 136, the record of the Marine Board of Investigation convened to investigate subject casualty, together with its Findings of Fact, Conclusions and Recommendations has been reviewed.
2. On the afternoon of Sunday, 30 June 1957, a party of five adults and four children hired the open, wooden outboard motorboat ANAHILDA for an excursion of several miles across open water off the south coast of Puerto Rico - from Cane Gorda Beach to Guanica Harbor, and return. The vessel, length 16' 6", beam 53", depth 20" was not equipped with any lifesaving devices. The owner/operator who was also on board, was not licensed to operate motorboats carrying passengers for hire. He knew that the boat was overloaded. The passage to Guanica Harbor was made without incident but on the return trip they met easterly winds of about 30 m.p.h. and waves estimated at 3 feet in height. Spray over the bow filled the boat to a depth of 9 or 10 inches and the passengers began bailing with a toy bucket. When about 800 yards off Guanica Light a sea broke over the vessel which swamped and capsized. Approximately 15 minutes later a man and his young son happened upon the scene in their small outboard motorboat and, after great effort, they succeeded in rescuing the operator, one adult and two children passengers and recovered the bodies of five other passengers who had drowned. The body of the missing person was found the following day.
3. The Findings of Fact, Conclusions and Recommendations of the Marine Board of Investigation convened to investigate subject casualty are approved.
4. In addition to the violations of law which resulted from the failure to have an approved lifesaving device for every person on board and the carrying of passengers for hire in a motorboat which was not under command of a licensed motorboat operator, there appears to have been negligence involving criminal liability. Attempting a passage over unprotected waters, under the conditions of wind and sea then existing, knowing that the boat was overloaded, and with knowledge that his passengers would be helpless for want of lifesaving devices in event of accident, was negligence of the character prohibited under penalty of fine and/or imprisonment (46 USC 526m). This matter will therefore be referred to the United States Attorney General for prosecution.

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5. In accordance with the recommendation of the Marine Board of Investigation, a copy of the record in this case will be referred to the Coast Guard Board of Medals and Awards for formal consideration of the lifesaving achievements of Mr. Delfin Rodriguez Favale and his son, Jose Delfin Rodriguez Couto.
6. The services of Mr. Julio Padilla, Deputy Collector of Customs, Ponce, P. R., in assisting the Board in their investigation will be officially acknowledged.
7. The supervised expansion of the Coast Guard Auxiliary motorboat boarding and training program in the greater Antilles Section, as recommended by the Board, is highly desirable. The training and educational programs of the Auxiliary not only in this Section but throughout all United States waters are of constant growth and limited only by the availability of personnel and by budgetary restrictions. Auxiliary Public Instruction Courses in the Spanish language are presently under consideration for use in this particular area.

(Signed) J. A. Hirshfield

J. A. HIRSHFIELD
Rear Admiral, U. S. Coast Guard
Acting Commandant

The Marine Board of Investigation, after a careful scrutiny of all the testimony and evidence adduced, finds as follows:

FINDINGS OF FACT

1. The ANAHILDA, Government of Puerto Rico number W. D. 1493, a 16' 6", open wooden, 8 horsepower outboard motorboat, owned and operated by Jose Ramon Sanoguel, departed from Cana Gorda Beach, Puerto Rico, for a cruise via the open sea to Guanica Harbor, P. R. and return. On returning, the vessel swamped at 1500, 800 yards, 140° true from Guanica Light, with the loss of six lives: Francisco Folch Collazo, Maria del Carmen Folch Castaner, Magdalena Castaner de Folch, Jose Miguel Castaner Canabal, Antonia Canabal Oliver and Jose Castaner Folch.

2. On the afternoon of 30 June 1957, Jose Ramon Sanoguel had his boat at Cana Gorda Beach, Guanica, P. R., 2 miles due east of Guanica Light. There, Gustavo Acevedo Chardon and Francisco Folch Collazo entered into an implied agreement with Sanoguel to pay a monetary consideration for an excursion for themselves and their families in the ANAHILDA. At 1430, the ANAHILDA departed from Cana Gorda Beach for a voyage via the open sea to Guanica Harbor, P. R. and return, with the following persons on board.

Francisco Folch Collazo, age 53
Maria del Carmen Folch Castaner, age 4
Magdalena Castaner de Folch, age 15
Jose Miguel Castaner Canabal, age 8
Antonia Canabal Oliver, age 35
Jose Castaner Folch, age 38
Gustavo Acevedo Chardon, age 38
Francisco Damian Folch, age 12
Jaime Castaner, age 11
Jose Ramon Sanoguel, age 51

3. Mr. Sanoguel knew that 9 passengers in addition to himself on board, was an overload for his boat. He protested the number of passengers in excess of seven, but both Gustavo Acevedo Chardon and Francisco Folch Collazo insisted that the total of ten persons be carried. Mr. Sanoguel notified all of his passengers prior to the departure that water would enter the boat and wet the occupants.

4. When the ANAHILDA set out from Cana Gorda Beach, the wind was easterly, with a velocity of 30 miles per hour and upon leaving the beach sheltered waters, the waves were three feet high. Sanoguel did not have a license to operate or navigate motorboats carrying passengers for hire; there were no fire extinguishers of any kind on board; his boat did not have a motorboat number issued by the Coast Guard, and the boat did not have a life preserver of any type on board during the voyage.

5. The ANAHILDA made a safe passage from Cana Gorda Beach to Guanica Harbor, toured the harbor, then refilled the gas tank, and after refueling the ANAHILDA left Guanica Harbor with the same people on board to return to Cana Gorda Beach.

6. After passing Guanica Light, 9 or 10 inches of water entered the boat from sea spray. The passengers attempted to bail the boat out with a toy bucket. Meanwhile Jose Ramon Sanoguel continued on his course towards Cana Gorda Beach. At 1500, when his boat was 800 yards, 140° true from Guanica Light (Light List No. 7382), a wave broke over the boat and swamped it. After swamping, the boat turned over and floated bottom up.

7. When the ANAHILDA swamped there were no other boats in the area; however, about fifteen minutes later Delfin Rodriguez Favale and his son Jose Delfin Rodriguez Couto, who were heading towards Cana Gorda Beach in their 15-foot outboard motorboat, were attracted to the scene of the casualty.

8. By maneuvering the boat about the casualty, Favale and his son picked up every person observed to be floating or swimming in the area. Favale then maneuvered as close to the overturned boat as the rough sea permitted, while his son Jose, by making signal exertions pulled aboard the two boys, Francisco Damian Folch and Jaime Castaner, who were clinging to the bottom of the overturned boat, neither of whom knew how to swim. Delfin Rodriguez Favale noticed Jose Ramon Sanoguel close to a rocky ledge some distance away. Favale ran his boat through the breakers and had Sanoguel hold the side of the boat while he towed him away from the rocks to a point where he could safely stop his boat and drag Sanoguel on board. Because of Sanoguel's exhausted condition, Jose Delfin Rodriguez Couto had to take hold of him to keep him from slipping away from the boat while he was being towed.

9. Mr. Delfin Rodriguez Favale, knowing his boat to be extremely overloaded and in a dangerous condition, dared not attempt to return to Guanica Harbor, instead, he ran before the sea for a dock at Point Jacinto, approximately 1-1/8 miles east of the scene of the casualty. While passing approximately 300 meters off Cana Gorda Beach, Mr. Delfin Rodriguez Favale ordered his son Jose Delfin Rodriguez Couto to jump overboard and swim to the beach where he could report to the police stationed there that a casualty

had occurred and assistance was needed at nearby Point Jacinto. Jose went to the beach and reported, as his father had directed, to the Insular Police corporal Jose Reyes, who, together with patrolman Ismael Martinez, drove to Point Jacinto to take action.

10. Delfin Rodriguez Favale landed all 9 persons he had picked out of the water on the pier at Point Jacinto. There, Delfin Rodriguez Favale gave artificial respiration to Gustavo Acevedo Chardon, while corporal Reyes gave artificial respiration to Jose Ramon Sanoguel, until both men regained consciousness.

11. Upon his arrival at the pier, corporal Reyes examined Francisco Folch Collazo, Maria del Carmen Folch Castaner, Magdalena Castaner de Folch, Antonia Canabal Oliver, Jose Miguel Castaner Canabal, and decided they were dead. No one attempted to give artificial respiration to these persons before they were removed to a mortuary by funeral coaches. One hour after Favale's landing, two ambulances arrived from the town of Guanica and removed Gustavo Acevedo Chardon, Jose Ramon Sanoguel, Francisco Damian Folch, and Jaime Castaner to the hospital for treatment.

12. On 1 July 1957, the next day, the body of Jose Castaner Folch was recovered on Junquero Beach, 100 yards SSE of Guanica Light.

13. Jose Ramon Sanoguel is an illiterate, seasonal sugar mill worker. He supplements his sugar mill wages by fishing during the slack season. He has ten children at home and an average monthly income of approximately \$125.00. The Insular Captain of the Port of Guanica, P. R., issued his boat a Puerto Rico Government number, H. D. 1493, for fishing and pleasure, on 28 June 1957. At the time of the casualty Sanoguel was only aware of Insular Captain of the Port's motorboat regulations and not aware of Federal motorboat laws and regulations.

CONCLUSIONS

1. It is concluded that the casualty was caused by overloading this 16 foot 6 inches outboard motorboat with passengers and attempting to operate it during unfavorable weather conditions. There was no material failure of the boat, or any evidence that Coast Guard personnel or any other Government agency contributed to the casualty. That the loss of life was due to the vessel swamping and the passengers not having life preservers available to them. Had all passengers been wearing life preservers, fewer casualties, if any, would have occurred.
2. Ramon Sanoguel violated 46 USC 526f, in that he operated his motorboat carrying passengers for hire without being duly licensed to operate or navigate a motorboat carrying passengers for hire. He violated 46 USC 526g, in that he failed to operate his motorboat with a fire extinguisher aboard, as required by 46 CFR 25.30-20(a). Sanoguel violated 46 USC 288, by operating his motorboat without having it properly numbered as required by law. Sanoguel violated 46 USC 526e by failing to provide his motorboat with life preservers as required. Sanoguel violated 46 USC 526L by operating his motorboat in a reckless and negligent manner by taking his overloaded, unequipped boat into rough seas.
3. It is further concluded that Jose Ramon Sanoguel was not aware of any of the Federal laws or regulations concerning his boat, and there is no evidence of any aid to navigation being involved nor of any uncharted or incorrectly charted area or object involved. Coast Guard Form 2636, Report of Violation, has been filed, a copy of which is appended.
4. It is further concluded that Delfin Rodriguez Favale, by his extreme and heroic daring, endangered his life and that of his son Jose Delfin Rodriguez Couto during the rescue operation and also by taking on board his small 15-foot boat the nine victims of the accident. Delfin Rodriguez Favale displayed judgment and seamanship of the highest order in safely bringing his overloaded boat to the Point Jacinto pier.
5. Jose Delfin Rodriguez Couto displayed extreme and heroic daring and endangered his life while assisting his father in the rescue operation, and also by swimming some 300 meters to the shore to summon assistance for the victims of the casualty.
6. The Commandant's attention is invited to the excellent and courteous cooperation received by the Board from the U. S. Customs Service in Ponce, P. R. Mr. Julio Padilla, the Deputy Collector of Customs in Charge, made space available for the Board in the Customhouse at Ponce and provided all physical equipment for the investigation. Mr. Padilla also acted as the interpreter for the Board during the entire proceedings as the investigation was by necessity conducted in Spanish.

RECOMMENDATIONS

1. That maximum penalties be invoked against Mr. Jose Ramon Sanoguel for violation of the following laws:
 - a. 46 USC 526e - Failure to carry life preservers.
 - b. 46 USC 526f - Failure to have a motorboat operator's license to operate or navigate a motorboat carrying passengers for hire.
 - c. 46 USC 526g - Failure to carry a fire extinguisher.
 - d. 46 USC 526L - Operating his motorboat in a reckless and negligent manner.
2. That provision be made for a supervised expansion of the Coast Guard Auxiliary motorboat boarding and training program in the Greater Antilles Section.
3. That a letter of appreciation be sent to Mr. Julio Padilla, Deputy Collector of Customs in Charge, Ponce, Puerto Rico, for his courtesies and service given to the Board.
4. In view of the outstanding service performed, it is recommended that Delfin Rodriguez Favale be awarded the Silver Life Saving Medal.
5. In view of the outstanding service performed, it is recommended that Jose Delfin Rodriguez Couto be awarded the Silver Life Saving Medal. A proposed citation is enclosed for use if this recommendation is approved.

(Signed) John W. Ryssy
JOHN W. RYSSY
Captain, U. S. Coast Guard
Chairman

(Signed) William E. Pratt
WILLIAM E. PRATT
Commander, U. S. Coast Guard
Member

(Signed) Joseph A. Macri
JOSEPH A. MACRI
Lieutenant, U. S. Coast Guard
Member Recorder