

## MEMORANDUM CIRCULAR NO.52

**TO : ALL SHIPPING OPERATORS /OWNERS ,SHIPPING  
CORPERATIONS /COMPANIES AND ENTITIES WITH THE  
CERTIFICATE OF PUBLIC CONVENIECE OR OTHER  
AUTHORIZATION FROM THE MARINA AND ALL  
CONCERNED DOING OPERATING SHIPPING SERVICES IN  
THE PLEBISCITE AREA.**

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In compliance with Resolution No. 2118 of the Commission on Elections promulgated on 17 August 1989 , deputizing certain national law enforcement agencies ,specifically the Department of Transportation and Communications and all concerned agencies /offices under it as its deputies quoted here under ,for your strict compliance ,observations and /or appropriate action are extracts of the pertinent provisions of said Resolutions :

### “Part VIII

“THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS  
AND ALL CONCERNED AGENCIES AND OFFICES UNDER IT “

“The Department of Transportation and Communications, thru its Secretary , and all concerned agencies /offices upon it, particularly those performing their duties and functions and /or operating or doing official business in the provinces and cities in the plebiscite areas ,are hereby deputized for purposes of the plebiscite on 19 November 1989 with the following duties and functions :

“1. Circularize to all owners and operators of land, air and sea transportation facilities and telecommunication services under certificates of public convenience ,franchises or other forms of authorization operating or doing business in the plebiscite areas the following offenses under the Omnibus Election Code which may be committed through the use of such facilities or services liable as principals , accomplices or accessories as evidences may warrant :

“a. Sections 26 ,31 (4) of Resolutions No. 2117 of the commission promulgated on 16 August 1989;

“b. Sec. 89 of the Omnibus Election Code (Batas Pambansa Blg. 881 )prohibiting any candidate, political party or organization or any person from giving or accepting free of charge , directly or indirectly ,transportation during the (5) hours before and after a public meeting , on the day preceding the election and on election day;

“c. Sec. 95 of the Omnibus Election Code prohibiting contributions for partisan political activity made directly or indirectly by natural and juridical person operating a public utility natural or juridical persons who hold contracts or subcontracts to supply the

government or any of its agencies to perform construction or other works; natural or juridical persons who have been granted franchises incentives , exemptions ,allocations or similar privileges or concessions by the government or any of its agencies, subdivisions or instrumentalities including government owned or controlled corporations; natural or juridical person who , within one year prior to the date of the plebiscite ,have been granted loans or others accommodations in excess of P100,000.00 by the government or any of its agencies subdivisions or instrumentalities including government owned or controlled corporations ;

d, Sec. 97 of the same code making it unlawful for any person or organization ,whether civic or religious ,to directly or indirectly solicit and /or accept from any candidates for public offices or from his campaign manager ,agent or representatives ,or any person acting their behalf ,transportation from commencement of the election period up to including election day ;

e. Sec. 261 (dd) (4) of the same code which penalize any operator or employees of public utility or transportation company operating under a certificate of public convenience who refuses to carry official election during the election period .

“2. Direct their agents to apprehend violators of the a fore said provisions of the Omnibus Election Code and refers such violations to the commission thru its Regional Election Directors or Provincial Election Supervisors for appropriate action ;

“3. Require all transportation companies engaged in the operation of transportation facilities to report within thirty (30) days following the day the plebiscite the rental for hiring of their facilities by any political party , coalition of political parties ,or groups /organization in connection with the plebiscite campaign ,including the amount paid for such use ,rental or hiring ,which report shall be submitted to the Election Records and Statistics Department of the Commission on Election for the purpose of proper accounting and monitoring of expenses under Sec. 100 and 101 ,respectively in relation to Sec. 112 of the Omnibus Election Code :

“4 Perform such other duties and functions which the Commission may here after direct .

The Enforcement Office the Regional Maritime Offices and other relevant offices /units of this Authority are hereby directed to apprehend violators of the provisions of Resolution 2118 and /or the Omnibus Election Code , and to refer such as violations to the Commission Election through its Regional Election Directors or provincial Election Directors or provincial Election Supervisors for the appropriate action .

For compliance .

This Circular shall take effect immediately.

Done on this 26<sup>th</sup> day of October 1989, at Manila ,Philippines .

PHILIP S. TUAZON  
Administrator