

## **MEMORANDUM CIRCULAR NO. 53**

**FOR : ALL SHIPOWNERS/OPERATORS/PARTIES DOING BUSINESS WITH THE MARINA UNDER ITS QUASI – JUDICIAL FUNCTIONS.**

**SUBJECT : CIRCULAR INTRODUCING AMENDMENTS TO THE INTERIM RULES OF PRACTICE AND PROCEDURE IN THE MARINA IN THE EXERCISE OF ITS QUASI-JUDICIAL FUNCTION.**

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To the further effectively and expeditiously dispose of applications for the issuance of Certificate of Public Convenience/Provisional Authority/Special Permits filed with this Authority, and in furtherance of the aim and objectives of Administrative Order No. 109 promulgated on 23 January 1989, “Providing measures for Speedy Disposition on this filed Before all Quasi- Judicial and Administrative Agencies of Government“, and in pursuance of Executive Order No. 1011, and Executive Orders Nos. 125 and 125 A, the following amendments to the Interim Rules of Practice and Procedures in the Maritime Industry Authority in the exercise of its Quasi –Judicial function of hereby approved by the Maritime Industry Board in its Board Meeting of August 30, 1989.

- A. Period of publication Sec. 2, Rule 9 (Notice of Hearing) is hereby amended by reducing the 15 – day –prior-notice to ten (10) days and to read as follows :  
Section 2. Publication and Service . The applicant shall cause the notice of hearing to be published once in one (1) newspaper of general circulation at least ten (10) days before the date of hearing and to serve copies of the application and notice to the affected parties, as furnished by the Authority /hearing Officers .”
- B. Affidavit and counter affidavit to be required .  
The applicant shall submit his affidavit or the affidavit of his witness to serve as the direct testimony of the applicant, a copy thereof shall be served by the applicant on the affected operators at least five (5) days prior to the date of hearing and the affected operator(s) shall file a counter affidavit there to not later than the date of hearing a copy thereof furnished the applicant .Classificatory questions may be propounded during the hearing .
- C. Continuous Hearing The applicants shall be given thirty (30) days from the initial hearing to rest / terminate its application wherein the jurisdictional requirements of publications and service of the notice have been complied with in case of contested application, inclusive of the

formal offer of exhibits . The operator (s) is like wise given the same period of thirty (30) days from the termination of the case by the preceding party. In the case of uncontested application , a shorter of period of twenty (20) days from the initials hearing or full is imposed / adopted inclusive of the normal offer of exhibits ,within which the applicant shall terminate his case .

D. Motion for Postponement , A motion for postponement of hearing shall be filed at least three (3) days prior to the date of hearing sought to be postponed ,containing a notice to the adverse party, provided that the motion postponement on a shorter notice may be granted only on extremely meritorious and /or exigent reasons, where due process or the interest of the service requires .

E. MARINA ADMINISTRATOR ' S AUTHORITY TO SIGN DECISIONS PREVIOUSLY APPROVED BY THE BOARD .

To expeditiously implement decisions previously approved by the Marina Board granting Certificates of Public Convenience , the Marina Administrator is hereby authorized to sing decisions on applications for Certificate of Public Convenience approved by the Maritime Industry Authority Board .

All provisions of Memorandum Circular No. 39 , Executive Order No. 1011 and other provisions of the Interim Rules and Procedures of the Maritimes Industry Authority in the Exercise of its Quasi – Judicial Functions which are not contrary to or inconsistent with this Memorandum Circular shall remain in full force and effect.

This Memorandum Circular shall take effect immediately upon its publication once in a newspaper of general circulation .

Manila ,Philippines, October 4, 1989.

BY AUTHORITY OF THE BOARD:

PHILIP S. TUAZON  
Administrator

NOTED:

ARTURO C. MOJICA  
Chairman  
Maritime Industry Board

This is to certify that the Memorandum Circular No. 53 has been approved in the meeting of the Maritime Industry Board hold on October 4,1989.

PURITA C. CENTENO  
Corporate Board Secretary

This is to certify that the Memorandum Circular No. 53 has been approved in the meeting of the Maritime Industry Board held on October 4,1989.