

MEMORANDUM CIRCULAR NO. 74-A

By virtue of the power vested in the MARINA pursuant to section 11(a) of P.D. 474 and Section E.O.125/125-A, in relation to Chapter V, Section 29 of the Public Service Act and paragraph 2 of E.O. No.26 dated 07 October 1992 and in furtherance of the policy of the MARINA to obtain in an inexpensive, speedy and equitable disposition of cases before it, the MARINA Board in its meeting 13 July 1995, orders the implementation of the following rules of procedures in case enumerated in Rules I of PART I AND Part II hereof.

PART I

Rule 1: Coverage

The procedure set forth hereunder shall govern and apply to the following cases, heard before the Maritime Regional Offices and the Central Office; to wit:

- a.) application or petitions for the issuance of the Certificate of Public Convenience (CPC), Provisional Authority (PA) or Special Permit (SP), granting authority or permitting the operation of interisland vessels as public service in the domestic trade, for the carriage of cargo, or cargo/passenger or both, either as liner or tramp service;
- b.) renewals or amendments to the CPC, PA, or SP: and,
- c.) petitions for rate increase/adjustments.

Rule 2: Definition of Terms

- a.) Uncontested Application – one in which the application is uncontroverted, unopposed and unadversarial.
- b.) Contested Application – one in which the application is controverted, litigated, opposed, and disputed.
- c.) Affected operators – any unauthorized or authorized/franchised operator who stands to be prejudiced by a probable grant of the relief/prayer sought in the application.
- d.) Affected parties – parties who stand to be prejudiced by any grant of rate increase.

Rule 3: Construction

These rules shall be liberally constructed in order to promote their object in obtaining a just, speedy and inexpensive disposition and resolution of applications/petitions filed before the MARINA.

Rule 4: Venue

Sec. 1: Applications for the issuance of CPC, PA, or SP shall be filed in the Maritime Regional Office (MRO) or the Central Office whose territorial jurisdiction, the vessel(s) is (are) being operated in, provided that, in case of tramping vessels, the MRO where the vessels are homeported; provided further that in case the operation involves two(2) or more regions, the MRO where the vessel is homeported to the exclusion of all the MROs; provided finally, that in case the application is contested the MRO concerned, shall after hearing, forward the records of the case to the Central Office for final resolution or decision in accordance with Section 2, sub-section 2.2 of Administrative Order No. 06-94.

Sec.2: Venue may be transferred at the discretion of the MARINA, upon a written motion by any of the parties based on convenience and other meritorious reasons.

Rule 5: Filing of the Application

Sec.1: Jurisdiction is acquired over the applicant upon the filing of the application and the payment of the required fees.

Sec. 2: No CPC shall be granted without substantially complying with three requisites stated in Section 16 (a), Chapter 2 of the Public service Act or CA No. 146, as amended, namely, 1)Filipino ownership; 2)public/necessity; and 3) financial capacity.

Sec. 3: Hearing shall be set on a date that will allow a 10-day period for publication prior to the initial hearing.

Sec. 4: The notice of hearing (NOH) should specify the route and schedule applied for by the applicant and shall contain the attached list of existing/affected operators and concerned parties who shall be individually furnished a copy of the NOH and a copy of the application, at least five(5) days before the initial hearing.

Sec. 5: The notice of hearing shall be published once in a newspaper of general circulation or in the case of regions, of regional circulation at least 10 days before the date of hearing.

Sec. 6: The applicant shall serve to the affected operators and affected parties copies of the application and NOH either by of personal delivery or by a registered mail.

Sec. 7: Postponements shall be allowed only in meritorious cases, at the discretion of this Authority upon the filing of an appropriate pleading or motion at least three (3) days before the scheduled hearing and with proof of service to the affected parties.

Rule 6: Pre-trial

Sec. 1: After the applicant has submitted proofs of compliance with jurisdictional requirements of publication of the notice of hearing and service of notice to the affected parties, the Hearing Officer shall direct the parties to appear before it for a pre-trial conference, to consider the following: a) the possibility of arriving at an amicable settlement or for submission to arbitration; b) possible stipulation of facts, in order to simplify the issues; c) the number of witnesses and the nature of their written testimonies; d) the evidence to be presented; e) agreement on settings of the subsequent hearings; and f) such other matters as may aid for the prompt disposition of the case.

Sec. 2: Applicants or depositors may be declared non-suited or in default, respectively, motu proprio by the Authority or upon the motion of the parties.

Sec. 3: The pre-trial conference shall be called by the Hearing Officer in uncontested applications for the purpose of shortening the period of the proceedings.

Sec. 4: After the pre-trial conference, the Hearing Officer shall issue an Order stating the ultimate facts that the parties have stipulated on, the issues to be heard, the number of witnesses and the provisions of law involved.

Rule 7: Compromise

To expedite administrative proceedings involving conflicting rights and to obviate expensive litigation, the parties are encouraged and enjoined to enter into an amicable settlement, compromise and arbitration.

Rule 8: Summary Procedure

Sec. 1: At the initial hearing of uncontested applications, the applicants shall submit to the MARINA through the Hearing Officer their formal written offer of exhibits with the following documents attached thereto, stating the nature and purpose of the offer;

A. Application for CPC/PA/SP shall indicate the proposed schedule of trips and the proposed route for the vessel (schedule of trips not applicable to tramping).

B. Documents to be submitted upon filing of the application;

B.1 VESSEL DOCUMENTS:

B.1.1. Updated/valid Bay and River License (BRL) Coastwise License (CWL) for the motor boat/vessel.

B.1.2. Updated/valid Certificate of Inspection (CI) reflecting the vessel's authorized area of operation/vessel's authority to carry either passenger or cargoes, or both.

B.1.3. Certificate of Ownership, Certificate of Philippine Registry or Certificate of Vessel Registry and Certificate of Admeasurement.

B.2 FINANCIAL STATEMENTS:

B.2.1. For existing operators:

1.1. Latest Annual report; or

1.2. Latest Balance Sheet and latest Income Statement

B.2.2. For new operators:

1.1 Estimated Projected Income and Expenses Summary for at least a period of two (2) months; and

1.2 Beginning Balance Sheet, or Certified Statement of Assets and Liabilities as of the

latest date together with a schedule showing an itemized list of income producing properties and/or Source of Income and the average Annual income from each.

C.3. OTHER MANDATORY REQUIREMENTS:

C.3.1. Certified Distance from the National Mapping Resource and Information Authority (NAMRIA) formerly Bureau of Cost and Geodetic Survey (BCGS) showing distance of port-to port link (not applicable to tramping)

C.3.2. Sketch showing the proposed route or line of operation, the homeport, and the port(s) of call(s) or origin and destination (not applicable to tramping)

C.3.3. Updated/valid Radio Station License issued by the National Telecommunications Commission (NTC) for vessels 35 GRT and above

C.3.4. Articles of Incorporation/Partnership approved by the Securities and Exchange Commission (SEC) for Corporations and Partnership reflecting as its primary/secondary purpose(s) the operation of a common carrier as defined in the Public Service Act, as amended: Registration of Business Name/Business License for Single Proprietorship, Charter Agreement, if vessel is locally chartered

DOT accreditation (if vessel is for tourism purposes)

C.3.5. Condition Survey Report/Provisional Class Certificate/Class Maintenance Survey/Provisional Class Certificate/Final Class Certificate/Class Maintenance Survey Report (if vessel is required to be classed)

C.3.6. Insurance Policy

1. Tankers and Barges carrying oil petroleum products
 - 1.1 Oil/Marine Pollution/Protection and Indemnity (P & I) Cover, or their equivalent, of not less than US\$300 million per vessel for vessels carrying a capacity of 700,000 liters or more
 - 1.2 Oil/ Marine Pollution/Protection and Indemnity (P & I) cover, or their equivalent, of not less than US\$10 million per vessel for vessels carrying a capacity of less than 700,000 liters
 - 1.3 Tanker Owners Voluntary Agreement on Liability for Oil Pollution (TOVALOP) if applicable.
2. LPG Carriers-Insurance cover against third party liability in the amount equivalent to US\$ 2 Million.
3. Passengers vessels-insurance coverage of P50,000 per authorized vessel.

For tankers and Barges carrying oil and petroleum products

1. P2 M paid-up capitalization for corporations
2. Petroleum industry suitability checklist requirements/hauling contract/spot hire contract with oil companies (for tankers and barges 500 GRT and below)

C.3.7. Registration/accreditation under Memorandum Circular No. 79.

C.3.8. Payment of filling/processing fees.

C.3.9. Three colored photographs of the vessels. (5" x 7") showing port side, starboard side, and astern view.

C. Proof of Compliance of jurisdictional requirements to be submitted during the hearing:

1. Affidavit of the editor or business manager of the newspaper of regional or provincial publication in which the notice of hearing was published together with, a complete copy of the issue of the newspaper clippings;
2. Proof of mailing/delivery of the notice of hearing to the affected operator/s within the specified period of affidavit, showing that a copy of the application and the notice of hearing, enclosed in an envelope properly addressed to the affected parties postage prepaid was mailed ten(10) days prior to the date of hearing to which affidavit the registry receipt and return cards, or any enclosed letters, shall be attached.

Sec. 2: The foregoing summary procedure shall be applicable to contested and uncontested applications.

Rule 9: Petition for Rate Increase

Sec. 1: The provisions in Rule 5 of this Book shall be applicable to petitions for freight and/or passenger rate increase/adjustments.

Sec. 2: In addition, the petition should state the existing rates being charged, as well as, the proposed rates. A list of affected parties should be attached to the petition.

Sec. 3: The List of affected parties shall contain, all affected sector(s), i.e. shippers, passenger groups, local government units, non-governmental units, and the like.

Sec. 4: The NOH and the petition shall be published in accordance with the provisions of Section 5, Rule 5, of this Book.

Sec. 5: Provisions of Rule 6 and 7 shall also be applicable.

Sec. 6: The following documents/data shall be required:

- A. Latest audited financial statement/annual Report, i.e. balance sheet; income statement of the subject vessel; income sheet of the company; and cost of the subject vessel; (projected Income Statements for new operators)
- B. Passenger capacity/Cargo capacity/Roro capacity
- C. frequency of trips;
- D. commissionable days;
- E. general arrangements plan, if applicable;
- F. other documents as may be required by the MARINA's Domestic Shipping Office (DSO).

Rule 10: Opposition

Sec. 1: Parties opposed to the grant of the CPC/PA/SP or petitions for rates increase/adjustments shall at the hearing, submit counter-affidavit of their witnesses, controverting applicant's evidence.

Sec. 2: Every party shall have the right to cross examine witnesses presented against him and to submit rebuttal evidence.

Sec. 3: With the submission by the parties of the aforesaid documentary evidence and written testimonies under oath, the application shall be deemed submitted for final decision upon the filing of the written formal offer of evidence. Witnesses may be called for clarificatory questions.

Rule 11: Renewals or Extensions or Amendments

In case of extension of the PA/SP or amendments to the PA/CPC, a timely motion shall be filed before the MARINA with proof of service to affected operators (in the case of contested applications).

In case of renewals the operator, shipping company or shipowner shall signify its intention to renew its PA or CPC in writing.

Rule 12: Prohibition

- Sec. 1: No application/petition shall be processed or be given due course if the applicant/petitioner has unsettled accounts before the MARINA consisting of unpaid administrative penalties and fines or otherwise.
- Sec. 2: No PA shall be issued except upon compliance with the three requisites in Sec.16(a), Chapter 2 of the Public Service Act or CA No. 146, as amended and after the initial hearing, except in tramping service wherein PA may issue prior to the initial hearing.

Rule 13: Provisional Relief

Upon the filing of an application or petition and after initial hearing, or at any stage thereafter, this Authority motu proprio or at the initiative of the parties, may grant the relief prayed for based on the pleadings and other documentary evidence, without prejudice to the final resolution of the case.

Rule 14: Contempt

In accordance with Section 29, Chapter V of the Public Service Act, as amended, the hearing officer may summarily punish for contempt by a fine not exceeding two hundred pesos or by imprisonment not exceeding ten(10) days or both, any person guilty of misconduct in the presence of the hearing officer or so near the same as to interrupt the hearing or session or any proceedings before him, including cases in which a person present at a hearing session or investigation held by the hearing officer refuse to be sworn as a witness or to answer as such when lawfully required to do so. To enforce the provisions of this Rule, the hearing officer may request the assistance of the municipal police and/or MARINA's Enforcement Office for the execution of any order made for said purpose.

Rule 15: Decisions

- Sec. 1: Uncontested Cases. Subject to compliance with the relevant Memorandum Circulars and upon satisfactory showing that the pleadings together with the supporting affidavits and documents, establishes the right of the party to the relief prayed for and when there is no opposition thereto, the Authority shall, within fifteen (15) days after case has been submitted for resolution, render an order or decision thereon.
- Sec. 2: Contested cases. Subject to compliance with other relevant Memorandum Circulars, the Authority shall render a decision, ruling or resolution within thirty(30) days after the case has been submitted unless the records is so voluminous and the issues are

complicated that a longer period to prepare and render a decision or resolution is required.

Rule 16: Appeals:

The order, ruling, decision or resolution of the MARINA shall take effect immediately and shall become final after fifteen days from receipt of the copy by the party unless:

- a) reviewed en banc by the MARINA Board motu proprio: or
- b) a motion for reconsideration is filed within fifteen (15) days from receipt of the order, ruling, decision or resolution sought to be reconsidered by the aggrieved party, provided however, that only one motion for reconsideration by the aggrieved party, provided however, that only one motion for reconsideration shall be allowed.

PART II

Rule 1: Coverage

The procedure set forth hereunder shall govern and apply to the following cases heard before the MARINA Central Office and the Maritime Regional Offices, to wit:

- a) violation of the Provisions of the Public service Act or C. A. No. 146, as amended.
- b) violation of memorandum circulars issued and promulgated by the MARINA in pursuance of its regulatory functions; and,
- c) violation of the provisions of laws, rules and regulations, the implementation of which is vested and/or delegated to the MARINA.

Rule 2: Definition of Terms

- a) Memorandum Report – any official written report originating from any of the offices of the MARINA, containing distinctly the facts constituting violation(s) by the respondent of the provisions of the Public Service Act, as amended; Memorandum Circulars; and/or other pertinent laws, rules, regulations, decisions, ruling or orders of the MARINA and recommending the issuance of a Show Cause Order.
- b) Complaint – sworn written statement containing concise and ultimate facts constituting the violation(s) by the respondent of the provisions of the

Public Service Act, as amended; Memorandum Circulars; and/or other pertinent laws, rules, regulations, decisions, ruling or orders of the MARINA and duly signed by a private aggrieved party attaching thereto supporting documentary evidence.

- c) Show Cause Order – order issued by the MARINA requiring the respondent to submit an Answer or Comment to the complaint or to the Memorandum Report and to show cause why it should not be held administratively liable for the alleged offense/violation.
- d) Answer/Comment – verified pleading filed by the respondent containing the defenses upon which he relies or an admission of the offense being charged.
- e) MARINA – Maritime Industry Authority

Rule 3: Construction

These Rules shall be liberally constructed in order to promote their object in obtaining a just, speedy, and inexpensive disposition and resolution of the complaint cases.

Rule 4: Venue

- Sec. 1: The MROs and the Central Office shall have the authority to hear complaints against a public service and/or operator whose vessel complained about, is being operated within the territorial jurisdiction of the respective MROs or the Central Office; provided however, that after hearing, the MRO concerned shall forward the entire records of the case to the Central Office for final resolution or decision in accordance with Administrative Order 06-94.
- Sec. 2: The provisions of Section 2, Rule 4 of Part I shall also be applicable.

Rule 5: Commencement of a complaint case

- Sec. 1: A complaint case is commenced either by a complaint or a Memorandum Report.
- Sec. 2: A complaint or a Memorandum Report is sufficient if it states the name(s) of the respondent, the material facts constituting the violation or offense and other particulars of the alleged violation, as well as, other supporting documentary evidence.(n)

Sec. 3: The MARINA, motu proprio or upon a written motion of the Respondent, may deny due course to any complaint if upon evaluation thereof, it appears to be insufficient to initiate prosecution. (n)

Rule 6: Prosecution:

Sec. 1: The MARINA, upon finding a cause to hold respondent for prosecution shall issue an Order, stating therein the alleged violation of the provisions of law and/or other pertinent rules and regulations; requiring respondent to file his comment or answer and setting the case for hearing.

Sec. 2: The Order referred to in the preceding section shall be attached to a xerox copy of the complaint or the Memorandum report and shall be served upon the respondent by registered mail or personally.

Sec. 3: The respondent shall file his verified answer or comment to the charges within ten(10) days from receipt of the Order mentioned in Section 1 hereof, duly supported by affidavits of his witnesses and other relevant documentary evidence.

Sec. 4: It shall be the duty of the MARINA prosecutor to actively direct and supervise the prosecution of the case.

Sec. 5: The complaint of his counsel if he is represented by one, shall collaborate and work under the direct supervision of the MARINA prosecutor.

Sec. 6: The MARINA shall have the power to require the attendance of witnesses or the production of books, papers, documents and other pertinent data, motu proprio or upon the request of any party before or during the hearing, upon showing of general relevance.

Rule 7: Effect of the Failure of Parties to Appear during Hearing

The MARINA shall, in its discretion or upon motion of any of the parties to the case, declare that the same is submitted for decision, upon failure of the complaint or the respondent to appear in the hearing, provided that there is proof of service of the notice of the hearing.

Rule 8: Postponement

Postponement of hearing or trial shall not be allowed except in meritorious cases and provided that the movant files a written motion at least three(3) days before the scheduled hearing with proof of service to the parties concerned.

Rule 9: Compromise

- Sec. 1: The following conditions should exist prior to a possible compromise of an administrative liability/fine/penalty:
- a) a complaint must have been filed;
 - b) a show cause order has been issued;
 - c) there must be a determination or possible liability (amount of penalty) in accordance with the pertinent Memorandum Circular alleged to have been violated; and,
 - d) an answer or comment shall have been filed admitting guilt and offering compromise or a mere offer of compromise is filed.
- Sec. 2: An offer for compromise must be in writing.
- Sec. 3: If the offer for compromise is made by a person other than the respondent, he must have a special power of attorney authorizing him to compromise the case. The special power of attorney shall be filed together with the offer of compromise.
- Sec. 4: The amount offered must be clearly stated.
- Sec. 5: No offer for compromise shall be filed prior to the issuance of a show cause order and a determination of a possible liability (amount penalty) in accordance with the pertinent law or circular alleged to have been violated.
- Sec. 6: After an offer of compromise shall have been filed in accordance with the above, the office of the origin (FO or MLAO), for case falling under their respective jurisdictions, shall make its recommendation in writing to be attached to the records/expediente for acceptance or rejection/denial by the signatories to the decision.
- Sec. 7: The recommendation referred to in the preceding section shall contain a brief summary of the antecedent facts; the amount offered as compromise and the recommendation, either for acceptance of the offer or its rejection taking into account the factors enumerated in Section 13 hereof.
- Sec. 8: Should the offer of compromise be accepted by the signatories, a decision shall be drafted by the office of origin stating:
- a) distinctly the facts of the case;
 - b) the law/MC alleged to have been violated;
 - c) issues;

- d) determination of liability/penalty;
- e) offer of compromise and the amount offered;
- f) acceptance of the amount; and,
- g) the dispositive portion of the decision shall reflect the exact amount offered as compromise.

Sec. 9: Should the offer of compromise be rejected by the signatories, the appropriate decisions shall be drafted for full liability in accordance, with the pertinent Memorandum Circular violated provided that there has been an admission or guilt in the answer or comment or appropriate pleading previously filed; provided further, that if there is no such admission, the case shall be remanded to the office of origin for further hearings or if evidence is sufficient, the case shall be submitted for decision.

Sec. 10: No offer for compromise shall be entertained after the case is submitted for decision nor after the promulgated of the decision.

Sec. 11: In the cases heard before the Maritime Regional Offices, the entire records of the case (complaint and Show Cause Order, Answer/Comment and/or written order for compromise shall be forwarded to the Franchising Office with the MROs recommendation as stated in Section 6 and 7. The Franchising Office shall also prepare its own recommendation to be attached to the records for the rejection or acceptance by the signatories.

Sec. 12: The Maritime Regional Offices are not authorized to accept compromise penalties (full or partial) neither are they authorized to render decisions in complaint cases pursuant to Administrative Order 06-94, Section 2.2.

Sec. 13: The following factors should be considered in determination of the amount of compromise penalty:

- a) financial ability of the respondent to pay;
- b) nature and circumstances of the violation ;
- c) record of previous violations by respondent pursuant decisions previously rendered by the Authority;
- d) reparation or compliance by the respondent;
- e) the magnitude of damage to the public caused by the violation; and,
- f) probative value of evidence on record.

Rule 10: Pre-Trial

A pre-trial conference shall be conducted in the same manner and for the same purpose as provided under Book One, Rule 6 of this Circular.

Rule 11: Order of Trial

- a) The private complainant and the MARINA prosecutor; or the MARINA prosecutor alone in case of Memorandum Reports must present the evidence on their/his part;
- b) The respondent shall then , after evidence in support of his defense;
- c) The parties may then respectively, offer rebutting evidence only, unless this Authority, for good reasons, in furtherance of justice, permits them to offer evidence upon their original case.

Rule 12: Consolidation

When complaints involving a common question of law or fact are pending before this Authority, it may order a joint hearing or trial of any or all the matters in issue in the actions, it may order all the actions consolidated, and it may make such orders concerning the proceedings therein as may tend to avoid unnecessary delay

Rule 13: Summary Procedure

- Sec. 1: Parties to the complaint case may, at their election, have the provisions of this rule govern the proceedings in the case, unless specifically required applicable memorandum circular;
- Sec. 2: The only pleadings allowed to be filed are the complaint and the answer;
- Sec. 3: The MARINA, may moto proprio, deny due course to any complaint if upon evaluation thereof, it appears to be insufficient to initiate prosecution.
- Sec. 4: All pleading must be verified.
- Sec. 5: The MARINA, upon finding a cause to hold respondent for prosecution shall issue an Order, stating therein the alleged violation of the provisions of this Circular and/or other pertinent rules and regulations; requiring respondent to file his comment or answer.

- Sec. 6: The Order referred to in preceding section shall be attached to a xerox copy of the complaint and shall be served upon the respondent by registered mail or personally.
- Sec. 7: Failure of the Respondent to file an Answer to the complaint, the case shall be deemed submitted for decision based on the evidence on record; unless the hearing officer deems it necessary to hold a hearing to clarify specific factual matters in which case, he shall set the case for hearing.
- Sec. 8: If the complainant is incapable of being present at the hearing, disposition on oral examination may be taken, whenever practicable and convenient.

Rule 14. Contempt

In accordance with Section 29, Chapter v of the Public Service Law, as amended, the hearing officer may summarily punish for contempt by a fine not exceeding two hundred pesos or by imprisonment not exceeding ten(10) days or both, any person guilty of misconduct in the presence of the hearing officer or so hear the same as to interrupt the hearing or session or any proceedings before him, including cases in which a person present at a hearing session or investigation held by the hearing officer refuse to be sworn as a witness or to answer as such when lawfully required to do so. To enforce the provisions of this Rule, the hearing officer may request the assistance of the municipal police and/or the MARINA's Enforcement Office for the execution of any order made for said purpose.

Rule 15: Provisional Relief

Upon the filing of the complaint or at any stage thereafter, this Authority may grant on motion of the parties, the relief prayed for, based on the pleading and other supporting documents without prejudice to a final decision which shall be rendered after the termination of the hearing to be called within 30 days from submission of the case for resolution.

Rule 16: Decision

Every decision rendered by this Authority shall state clearly and distinctly the facts and the law on which it is based. The agency shall decide each case within thirty(30) days following its submission. The parties shall be notified of the decision personally or by registered mail addressed to their counsel of record, if any, or to them.

Rule 17: Finality

The decision of the MARINA shall become final and executory, fifteen(15) days after the receipt of a copy thereof by the party adversely affected, unless within that period, an administrative appeal or judicial review, if proper, has been perfected. One motion for reconsideration may be filed, which shall suspend the running of the said period.

Signing Authority

The Administrator and his Deputy Administrators shall have the Authority to sign decisions, resolutions, CPC, PA, and SP; provided however, that in the absence of the Administrator, any of his Deputy Administrator may sign for and in his behalf, provided finally that, The MARINA Board shall have the authority to recall or revoke the decision, resolution, CPC, PA, or SP signed.

Accountability of Hearing/Legal Officers

Every legal officer charged with the resolution of cases or incidents shall submit to his director, within ten (10) days following the end every month, a sworn statement if Disposition of Cases in accordance with E.O. 26; declaring that all cases or incidents submitted to him for resolution have been decided within the prescribed period, provided further that the salary of any officer who fails to submit the aforesaid Statement within the prescribed period shall be or cause to be, withheld by the head of office until compliance hereto; provided further, that this shall be without prejudice to the imposition of other penalties, provided finally, that this provision shall be applicable only to cases submitted after the effectivity of this Circular.

Repealing Clause:

The provisions of Memorandum Circular No. 74 is hereby expressly repealed.

Effectivity

This circular shall take effect after the lapse of fifteen (15) days from the time of its publication in a newspaper of general circulation.

BY AUTHORITY OF THE BOARD:

PACENCIO M. BALBON, JR.
Administrator

SECRETARY'S CERTIFICATE

This is to certify that the foregoing Memorandum Circular No. 74-A was approved by the MARINA Board on 13 July 1995.

PURITA C. CENTENO
Corporate Board Secretary

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