

MEMORANDUM CIRCULAR NO. 109

TO : ALL SHIPPING COMPANIES, SHIPOWNERS/SHIP OPERATORS CHARTERERS, PUBLIC SERVICE (WATER TRANSPORT) OPERATORS, OTHER MARITIME ENTITIES; AND OTHERS CONCERNED

SUBJECT : SCHEDULE OF PENALTIES AND/OR ADMINISTRATIVE FINES RELATIVE TO VESSEL REGISTRATION/LICENSING/DOCUMENTATION AND VESSEL SAFETY REGULATION

Pursuant to the provisions of Executive Order No. 125, as amended, the administrative fines and penalties for violation of the rules and regulations appertaining vessel registration and safety regulations shall be, as follows:

A. VIOLATION OF GUIDELINES ON VESSEL REGISTRATION, LICENSING AND DOCUMENTATION

1. Operation/navigation of a vessel without certificate of Vessel Registry
 - 1.1 3 GRT and below) For vessels P 200
 - 1.2 Over 3 GRT to 15 GRT) engaged in 400
 -) the carriage of
 -) goods and/or
 -) passenger for hire
 - 1.3 Over 15 GRT to 35 GRT 600
 - 1.4 Over 35 GRT to 100 GRT 700
 - 1.5 Over 100 GRT to 250 GRT 960
 - 1.6 Over 250 GRT to 500 GRT 1,410
 - 1.7 Over 500 GRT 1,910

2. For yachts, launches and other crafts being used/ employed exclusively for pleasure and recreation without Pleasure Yacht Registration
 - 2.1 Powered
 - (i) 15 GRT & below P 3,000
 - (ii) Over 15 GRT to 50 GRT 4,000
 - (iii) Over 50 GRT to 100 GRT 5,000
 - (iv) Over 100 GRT 6,000

2.2 Without Power

(i)	15 GRT & below	P 100
(ii)	Over 15 GRT to 50 GRT	200
(iii)	Over 50 GRT to 100 GRT	300
(iv)	Over 100 GRT	400

3. Operation/navigation of a vessel without Certificate of Number

3.1	1 GRT or less	P100
3.2	Over 1 GRT to 3 GRT	P200
3.3	Over 3 GRT to 5 GRT	P300
3.4	Over 5 GRT to 10 GRT	P400
3.5	Over 10 GRT to 15 GRT	P500

4. Operation/navigation of a vessel without Certificate of Ownership

4.1	Over 5 GRT to 50 GRT	P500
4.2	Over 50 GRT to 100 GRT	P700
4.3	Over 100 GRT to 250 GRT	P960
4.4	Over 250 GRT to 500 GRT	P1,410
4.5	Over 500 GRT	P1,910
4.6	Over 1,000 GRT to 5,000 GRT	P2,400
4.7	Over 5,000 GRT to 10,000 GRT	P10,000
4.8	Over 10,000 GRT	P16,000

5. For vessels engaging in coastwise trade/protected/partly protected waters with expired/without valid/without Coastwise License/Bay and River License

	1 ST Offense	2 ND Offense	3 RD and Succeeding Offense
5.1	Power-driven P12/NRT	P24/NRT	P48/NRT
5.2	Non-power driven 8/NRT	16/NRT	32/NRT

6. For yachts, launches and other crafts being used/employed exclusively for pleasure and recreation with expired/without valid/without Pleasure Yacht License

First Offense	P200
Second Offense	P400
Third & Succeeding Offense	P800

7. Failure to delete vessels registered under the Philippine flag under the circumstances stated in existing/pertinent circular(s)

7.1	Domestic	P 500
7.2	Overseas	P 1,000

8. Non-compliance with the required registration of Engine and Deck Logbook/Roll Book and Other Books - P 500/book

9. Non-compliance with the required registration of of Grain Loading Booklet/Stability Booklet - P 5,000/booklet

10. Failure to keep/maintain Record of Changes for registered vessels

10.1	Change of Place of Registry	-	P 500
10.2	Change of Homeport of Vessel	-	P 500
10.3	Change of Name of Vessel	-	P 500
10.4	Change of Name of Owner	-	P 500
10.5	Change of Trading Status	-	P 500
10.6	Change of Rig Type	-	P 500
10.7	Change of Service Type	-	P 500
10.8	Change of Engine	-	P 500

11. Failure to keep/maintain Record of Changes for vessels issued Certificate of Number

11.1	Change of Homeport of Vessel	-	P 100
11.2	Change of Name of Vessel	-	P 100
11.3	Change of Name of Owner	-	P 100
11.4	Change of Trading Status	-	P 100
11.5	Change of Rig Types	-	P 100
11.6	Change of Service Type	-	P 100
11.7	Change of Engine	-	P 100

B. VIOLATION OF GUIDELINES ON VESSEL SAFETY REGULATION

1. Operation/navigation of a vessel above 3 GRT with expired/without valid/without Certificate of Inspection/Interim Certificate of Inspection

First Offense	P 500
Second Offense	P 1,000
Third & Succeeding Offense	P 1,500

2. Operation/navigation of a vessel 3 GRT and below utilized to carry passengers/passengers and cargoes for hire with expired/without valid/without Special Certificate of Inspection

First Offense	P 200
Second Offense	P 400
Third & Succeeding Offense	P 800

3. Operation/navigation of cargo and fishing vessel 3 GRT and below with expired/without valid/without Permit to Operate

First Offense	P 200
Second Offense	P 400
Third & Succeeding Offense	P 800

4. Operation/navigation of a vessel without the necessary Special Permit to Navigate ----- P 300

5. Operation/navigation of a vessel with expired/without valid/without Special Permit to Carry/Load Inflammable/Dangerous/Hazardous Cargoes

First Offense	P 200
Second Offense	P 400
Third & Succeeding Offense	P 800

6. Operation/navigation of a Philippine-registered overseas vessel with expired/without valid/without the necessary Manning Certificate/SOLAS and other Safety Certificates

First Offense	P 500/certificate
Second Offense	P 1,000/certificate
Third & Succeeding Offense	P 2,000/certificate

7. Operation/navigation of a Philippine-registered domestic vessel engaging in overseas trade with expired/without valid/without the necessary Exemption Certificate

First Offense	P 500
Second Offense	P 1,000
Third & Succeeding Offense	P 2,000

8. Operating with expired/without valid/without the following permits/license:

	1 ST Offense	2 ND Offense	3 RD Offense and Succeeding
8.1 Special Permit for Unlicensed Officer	P 200	P 400	P 800
8.2 Dispensation Permit			
Domestic	P 400	P 800	P 1,600
Overseas	P 1,000	P 2,000	P 4,000
8.3 Motorboat Operator's License	P 200	P 400	P 800

9. For failure to secure MARINA approval of vessel plans prior to the vessel's construction, conversion, alteration or rehabilitation to ensure compliance with safety rules and regulation or for purpose of vessel registration

- 9.1 With NAMARE requirement

Over 5 GRT to 50 GRT	P 50/section
Over 50 GRT to 100 GRT	P 75/section
Over 100 GRT to 250 GRT	P 100/section
Over 250 GRT to 500 GRT	P 125/section
Over 500 GRT to 1,000 GRT	P 150/section
Over 1,000 GRT to 5,000 GRT	P 175/section
Over 5,000 GRT to 10,000 GRT	P 200/section
Over 10,000 GRT	P 300/section

10. For operating as a marine surveying company/entity without the necessary MARINA accreditation certificate pursuant to existing/pertinent circular --- P10,000

- C. Violation of Terms/Conditions/Requirements Stipulated Under the Certificates/Licenses/Circulars issued Relative to Vessel Registration/Licensing Documentation and Vessel Safety Regulation -----**
200% of the prescribed fees/charges per certificate/license concerned

- D. For any false statement or misrepresentation in the filing of application relative to vessel registration/licensing/documentation and vessel safety regulation ----- P 10,000**
- E. For presenting/using/possessing spurious/fake vessel certificates/licenses/documents without prejudice to the imposition of other penalties under this Circular ----- P 10,000**
- F. Due Process And Hearing**

1. For violations of this Circular, a show cause order shall be issued by the MARINA directing the offender to explain in writing why no punitive action shall be taken against him/her/it or no administrative penalty or fine shall be imposed. A cease and desist order may likewise be issued whenever the interest of the public so demands.
2. In case an act or omission constitutes one or more violations, the offender shall be charged with the most serious offense or that with the highest/maximum imposable penalty.
3. Notice and hearing shall be in accordance with the provisions of MARINA Memorandum Circular No. 74, s. 1993. The provisions of the Rules of Court and the Administrative Code of 1987 (Executive Order No. 292, s.1987) shall be supplementary thereto.
4. Repeated violations committed by a vessel/maritime enterprise shall, in addition to the foregoing administrative fines and penalties, be subject to the suspension or cancellation of the certificate/license/authority to operate, as the case may be.
5. For purposes of determining the number and repetitions of violations, it shall mean that a case shall have been decided finding a vessel or maritime enterprise liable of the charge.

G. REPEALING CLAUSE

The provision of existing circulars, rules and regulations which are inconsistent with this Circular are hereby amended accordingly.

H. EFFECTIVITY

This Circular shall take effect fifteen (15) days after its publication once in a newspaper of general circulation.

BY AUTHORITY OF THE BOARD:

PACIENCIO M. BALBON, JR.
Administrator

SECRETARY'S CERTIFICATE

This is to certify that Memorandum Circular No. 109 has been approved during the 127th meeting of the Maritime Industry Authority Board held on 13 July 1995.

PURITA C. CENTENO
Corporate Board Secretary

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