

## **MEMORANDUM CIRCULAR NO.49-a**

**FOR : ALL SHIPPING COMPANIES ,SHIPOWNERS ,AND SHIP OPERATORS**

**SUBJECT : MANDATORY SUBMISSION OF ANNUAL REPORT AMENDING FOR THE PURPOSE MARINE MEMORANDUM CIRCULAR NO.49 DATED AND PROVIDING PENALTIES THEREFOR.**

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Pursuant to Resolution No. 92-006 , Series of 1992 , of the Maritime Industry Board ,Memorandum Circular No. 49 dated July 3, 1989 is hereby amended , as follows:

### **I. COVERAGE**

Pursuant to Section 17 (h) of the Public Service Act (Commonwealth Act No.146, as amended ) , all shipping companies ,ship owners and operators whose vessels (s) are issued Certificate of Public Convenience (CPC)or Provisional Authorities (PA) wherein one of the term and condition stipulated thereon is the required submission of Annual Report .

### **II. DATE OF SUBMISSION /DEADLINE**

The Annual Report of the immediately preceding year shall be submitted on or before June 30 of each year to the Maritime Industry Authority . at the Marina. Central Offices or at any of its Regional Offices ,whose territorial jurisdiction covers the principal offices of shipping entities .

### **III. REQUIRED FORMAT**

Authorized Operators /CPC holder shall utilize and fill up completely the Marina prescribed forms which are available for at fee at cost the Marina Central Offices or at any of its Regional Offices with specific formats for proprietor ship ,partnership and corporation .

### **IV. EXEMPTIONS**

Operators of tugboats and lighters are exempt from submission of Annual Report since they are exempt from the provision of the Public Service Act (C.A. 146 ,as amended ).

Operators / companies that have ceased operation (s) for a period of one (1) year

or more and have no intention of reviving its service due to decommissioned services, bankruptcy, sale and transfer of ownership or other reasons amounting to permanent cessation of operation need not submit the required Annual Report; provided, however, that within 15 days after cessation, MARINA is duly notified therefor in writing for monitoring purpose. Nevertheless, unless operating ceases on 1 January of each year, operators shall still be required to submit Annual Report, specifically the traffic report portion, corresponding to the fraction of time of the year prior to final or temporary stoppage. Correspondingly, revival of service before 31 December of each year shall likewise be reflected in an Annual Report.

Operators/companies who have temporarily ceased operations for one (1) year or but manifested their intention to continue operations after the vessel(s) or fleet was laid-up, reconstructed, repaired, dry docked, renovated or their operations affected with legal and financial problems, among other reasons, shall still submit the required Annual Report during the non-serviced year/s, containing only financial report reflecting depreciation/maintenance expense. Further, the cargo and passenger traffic should indicate the period of non-operation.

## **V. PENALTIES**

The following penalties shall be imposed for any violation of, or failure to comply with the above requirements:

A. **FOR LATE SUBMISSION**. Submission of Annual Report shall be considered late when submitted after the deadline herein set forth regardless of the numbers of days of delay. For purposes of computing penalty, a year shall mean the period starting from 01 July of the present year to 30 June of the next year, any fraction of the year shall thereby be considered one year or delay.

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|--|-------------------------|
| - For Operators with total owned tonnage of 50 Gross Registered (GRT) Tons or less | P500,00/year of delay   |
| - For Operators with total owned tonnage of 50-100 Gross Registered Tons (GRT)     | P1,000.00/year of delay |
| - For Operators with total owned tonnage of above 100 Gross Registered Tons (GRT)  | P3,000.00/year of delay |

Non-payment of the required penalty shall be deemed sufficient basis for the suspension/cancellation of the CPC or any existing authority issued by the Marina in

favor of the company or vessels which is subject of the requirement herein imposed until full payment thereof shall have been made .

Payment of the herein imposed penalty shall not , however excuse the operator from compliance with the required Submission of the Annual Report (s).

**B. BLATANT AND CONTUMACIOUS REFUSAL TO FILE ANNUAL REPORT**

Blatant and contumacious refusal to submit Annual Report for at least two (2) consecutive years , shall cause the summary suspension . revocation or cancellation of the Certificate (s) of Public Convenience or any existing authority to operate issued to the vessel subject matter of required Annual Report in addition to the following penalty :

-For operators with total owned tonnage of 50 Gross Registered (GRT) Tons or less	P5,000.00
-For operators with total owned of tonnage 51-100 Gross Registered Tons (GRT)	P10,000.00
-For operators with total owned tonnage of above 100 Gross Registered Tonnage (GRT)	P25,000.00

**C. MISREPRESENTATION OF ENTRIES**

The filling of a false or fraudulent Annual Report is primacies evidence of misrepresentation and any operator who submit false or fraudulent shall be imposed a penalty P25,000.00 without prejudice to other sanction pursuant to the provisions of the Public Service Act, as amended , and the Revised Penal Code.

**IV. TRANSISTORY PROVISION**

This Circular amends / supersedes Memorandum Circular No. 49 , series of 1989. Penalties imposed for violations committed prior to the effectivity of this Circular shall likewise be imposed the penalties provided for under Section A, B, & C hereof ; provided that the penalties provided herein are lower than those imposed under Memo Circular 49.

**V. EFFECTIVITY**

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

Manila, Philippines , 18 March 1992.