MEMORANDUM CIRCULAR NO. 63

TO : ALL SHIPPING OR FISHING COMPANIES/OPERATORS,

MARITIME ENTERPRISES AND OTHER CONCERNED

SUBJECT: PROVIDING PENALTIES FOR THE SUBMISSION OR USE

OF SPURIOUS/FAKE DOCUMENTS IN CONNECTION WITH ANY REQUEST OR PROCEEDINGS FOR AUTHORITY FROM THE MARITIME INDUSTRY

AUTHORITY

Pursuant to Section 12(f) of Executive Order No. 125, as amended by Executive Order No. 125-A, both series of 1987, an administrative fine in the amount of twenty-five thousand(P25,000.00) pesos shall be imposed, in addition to recommendation for criminal prosecution for criminal prosecution, upon the managing head or chief operating officer of any shipping or fishing company/operator and other maritime enterprise and others concerned who shall submit to, or use in any proceedings before, the Maritime Industry Authority any spurious/fake documents, after investigation and other due process. If the request or proceeding refer to vessels, the said fine shall be imposed per vessel. No permit or authority shall be issued pending compliance with the memorandum circular.

The following shall be considered evidence that the documents, among others, are spurious/fake:

- 1. Admission by the company, firm or operator or any of its officers or employees that the document is spurious/fake;
- 2. Submission of another set of documents or papers purportedly genuine in place of questionable documents or papers; and
- 3. Document or paper secured by "fixer". For the company, firm of operator, in any arrangement, the latter had with the "fixer". The company, firm of operator be absolved if he can present the "fixer" before the MARINA. Failure to present the "fixer" or person who secured or furnished the questionable document even if the case is brought to police agencies, such as, the presentation of policies blotter, shall not exempt the company firm or operator from the penalty.

For purposes of this Memorandum Circular the act of an employee, messenger or liaison officer of the company, firm or operator shall be considered an act of the latter, as principal.

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

Manila, Philippines, 30 August 1991.

PHILIP S. TUAZON Administrator

CERTIFICATION

This is to certify that the Memorandum Circular No. 63 has been approved in the meeting of the Maritime Industry Board held on 30 August 1991.

PURITA C. CENTENO Board Secretary