

MEMORANDUM CIRCULAR NO. 49-B

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

**SUBJECT : MANDATORY SUBMISSION OF ANNUAL
REPORT OF FINANCES AND OPERATIONS,
IMPLEMENTING THE PROVISIONS OF SECTION
17(h) OF THE PUBLIC SERVICE ACT, AS
AMENDED AND REPEALING IN TOTO
MEMORANDUM CIRCULAR NO. 49-A**

I. COVERAGE:

The provision of this Memorandum Circular shall apply to all shipping companies, shipowners, and operators who are grantees of Certificates of Public Convenience (CPCs) or holders of Provisional Authorities (PAs). except:

1. Those exempted from the purview of the Public Service Act, as amended and therefore not required to secure CPC or PA;
2. 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 service, 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 therefore in writing for monitoring purposes; and provided further, that if operation ceases on 01 January of the year, the operator shall still be required to submit its Annual Report, specifically, the traffic report corresponding to the fraction of time of the year prior to its final or temporary stoppage. Correspondingly, revival of services before 31 December of the year shall likewise be reflected in the Annual Report.
3. Operators/companies who have temporarily ceased operations for one (1) year or more but who have manifested their intention to continue operations after the vessel(s) or the fleet was laid-up, reconstructed, repaired, drydocked renovated of their operations are affected with legal and financial problems, among other reasons, are still required to submit the Annual Report during the unserved year/s, containing only a financial report reflecting depreciation/amortization/maintenance expenses. Further, the cargo and passenger traffic report should indicate the period of non-operation.

II. PRESCRIBED FORM:

The requisite Annual Report shall be accomplished in the form prescribed by this Authority and which is readily available for a fee at the Central Office at any of the Regional Offices. Specific forms are provided for single proprietorship, partnership and corporation.

Annual Report submitted and filed before the MARINA which is incompletely filled-up shall be deemed as if there was no submission and compliance at all.

III. DUE DATE OF SUBMISSION:

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

The period for submission of the Annual Report as provided herein shall be non-extendible.

IV. PENALTIES

Payment of the administrative penalties and/or fine shall not be accepted unless there is a proof that the Respondent has submitted the subject Annual Report.

Submission of the Annual Report after the due date provided herein even prior to demand, shall not bar and preclude the MARINA from imposing the proper penalty.

The following penalties shall be imposed for any violation or of 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 setforth regardless of the number of days of delay.

For purposes of computing the 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 of delay.

-For Operators with total owned tonnage
of 50 Gross Registered Tonnage (GRT) or
less P300/year of delay

-For Operators with total owned tonnage
of 51-100 Gross Registered
Tonnage (GRT) P600/year of delay

-For Operators with total owned tonnage
of over 100 Gross Registered
Tonnage (GRT) P900/year of delay

**B. CONSECUTIVE AND SUCCESSIVE FAILURE TO SUBMIT
REQUISITE ANNUAL REPORT**

Consecutive and successive omission/failure to submit the Annual Reports shall be deemed as blatant and contumacious violation of the provisions of this Circular and the pertinent provisions of the Public Service Act, as amended.

Respondent shall be imposed a penalty of P1,500.00 per Annual Report not submitted for every year of delay, regardless of the total gross tonnage of the ship operator, shipowner of shipping company; provided however, that the MARINA may, in its discretion cause the summary suspension of the Certificate of Public Convenience (CPC) or Provisional Authority (PA) granted or issued; provided further, that the suspension shall not exceed thirty(30) days.

C. MISREPRESENTATION OF ENTRIES

Any ship operator, shipowner or shipping company who submits an Annual Report containing false or fraudulent entries shall be subject to a penalty of P5,000.00, without prejudice to any civil, criminal and/or administrative action that this Authority may take against the Respondent.

**D. FOR VIOLATION OF PROVISIONS, NOT HEREIN SPECIFICALLY
PENALIZED, a penalty of Two Hundred Pesos (P200.00) shall be
imposed.**

V. PROCEEDINGS:

Proceedings for the violation of any of the provisions of this Circular shall be summary in nature as provided under Memorandum Circular No. 74-A, Book Two, Rule 14.

VI. REPEALING CLAUSE

Memorandum Circular No. 49-A is hereby expressly repealed in toto and shall be entirely superseded by this Circular.

This Circular shall be retroactively applied to all pending cases, in so far as it is beneficial to the Respondent(s) entirely superseded by this Circular.

VII. EFFECTIVITY:

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

PACENCIO M. BALBON, JR.
Administrator

SECRETARY'S CERTIFICATE

This is to certify that the Memorandum Circular No. 49-B was approved by the MARINA Board on 13 July 1995.

PURITA . CENTENO

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