

MEMORANDUM CIRCULAR NO. 113

TO : ALL SHIPPING OPERATORS/OWNERS, SHIPPING CORPORATIONS/ENTITIES AND ALL CONCERNED DOING/OPERATING SHIPPING SERVICES IN THE ARMM AREA, MARINA OFFICIALS AND EMPLOYEES AND ALL CONCERNED

In compliance with the Commission on Election (COMELEC) Resolution No. 2805 promulgated on 27 July 1995 relative to the “Deputization of certain government departments and agencies, their officials and employees including the Armed Forces of the Philippines, in connection with the March 4, 1996 Election in the Autonomous Region in Muslim Mindanao(ARMM)”, quoted hereunder (underscoring supplied), for your strict compliance, guidance and appropriate action are the pertinent provisions of said Resolution, applicable to the Department of Transportation and Communications and the offices or agencies under/attached thereto, to wit:

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“The Department of Transportation and Communications, and its Secretary, and all agencies/offices under it, including their officials and employees, more particularly those performing their duties and functions and/or operating or doing official business in the election areas, are hereby deputized to perform the following duties:

- “1. Circularize to all owners and operators of land, air and sea transportation facilities and telecommunication services under certificate of public convenience, franchises or other forms of authorization which are operating or doing business in the election areas, the following prohibitions under the Omnibus Election Code:
 - “a. Sec. 89 prohibiting any candidate, political party or organization or any person from giving or accepting, free of charge, directly or indirectly transportation during the five (5) hours before and after a public meeting, on registration days, on the day preceding the election and on election day:
 - “b. Sec. 95 prohibiting contributions for partisan political activity given directly or indirectly by natural or juridical persons operating a public utility; or by natural or juridical persons who hold contracts or subcontracts to supply the government or any of its agencies, subdivision or instrumentalities with goods or services or to perform construction or other works, or by natural or juridical persons who have been granted franchises, incentives, exemptions, allocations or similar privileges or concessions by the government or any of its agencies, subdivisions or instrumentalities including

government-owned or controlled corporations; or by natural or juridical persons who within one year prior to the date of the elections have been granted loans or other accommodations in excess of P 100,000.00 by the government or any of its agencies, subdivisions or instrumentalities including government owned or controlled corporations;

“c. Sec. 91 making it unlawful for any person or organization, whether civic or religious, to directly or indirectly solicit and/or accept from any candidate for public office or from his campaign manager, agent or representative, or any person acting in their behalf, transportation from the commencement of the election period up to and including election day;

“d. Sec.261 (o) which prohibits the use under any guise whatsoever, directly or indirectly of any printing press, radio or television station or audio-visual equipment operated by the government or by its sub-divisions, agencies or instrumentalities, including government-owned or controlled corporations, or any equipment, facility, apparatus, paraphernalia or vehicle owned by the government or by its political sub-divisions, agencies, or instrumentalities, including government owned or controlled corporations or by the Armed Forces of the Philippines for any elections campaign or for any partisan political activity ; and

“e. Sec. 261 (dd) (4) which penalizes any operator or employee of a public utility or transportation company operating under a certificate of public convenience who refuses to carry official election mail matters free of charge during the election period.

2. Direct its agents to apprehend violators of the aforesaid provisions of the Omnibus Election Code and refer such violators to the Commission, thru its Regional Election Directors or Provincial Election Supervisors, for appropriate action;
3. Require all transportation companies engaged in the operation of transportation facilities to report within thirty (30) days following the day of the election, the use, rental or hiring of their facilities by any candidate, political party, coalition of political parties, or groups/ organizations in connection with the election campaign, including the amount paid for such use, rental or hiring, which report shall be submitted to the Election Records and Statistics Department of the Commission on Elections for the purpose of proper accounting and monitoring of expenses under Secs. 100 and 101, respectively in relation to Sec. 112 of the Omnibus Election Code; and

4. Perform such other duties and functions which the Commission may hereinafter direct.”

The Enforcement Office, the Maritime Regional Offices and other relevant offices/units of this Authority are hereby directed to apprehend violators of the aforementioned Omnibus Election Code provisions and to refer such violations to the COMELEC, thru its Regional Election Directors or Provisional Election Supervisors for appropriate action.

For compliance.

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

Let a copy of this Circular be furnished the DOTC and the COMELEC Central Office for their guidance and reference.

Issued on 15 Dec.1995, Manila, Philippines.

FOR THE MARINA BOARD,

PACIENCIO M. BALBON, JR.
Administrator

SECRETARY’S CERTIFICATE

This is to certify that Memorandum Certificate No. 113 has been approved during the Special Meeting of the Maritime Industry Board on 23 November 1995.

EMERSON M. LORENZO
Deputy Corporate Board Secretary

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