MEMORANDUM CIRCULAR NO. 118

TO : ALL SHIPPING COMPANIES, SHIPOWNERS/SHIP OPERATORS AND OTHER MARITIME ENTITIES


Pursuant to COMELEC Resolution No. 2899 promulgated on 04 March 1997, Part IV thereof, deputizing the Department of Transportation and Communications and all concerned agencies and offices under it and prescribing their duties and functions in connection with the May 12,1997 barangay elections, we are quoting hereunder election offenses under the Omnibus Election Code for guidance and strict compliance.

a. Section 51 of Resolution No. 2888 prohibits any person from giving or accepting, free of charge, directly or indirectly, transportation on the day of a barangay assembly meeting or other authorized public forum or public meeting on registration day, on the day preceding the election and on election day.

b. Section 95 of the Omnibus Election Code prohibits contributions for partisan political activity made directly or indirectly by natural or juridical person operating a public utility; natural or juridical persons who hold contracts or subcontracts to supply the government or any of its divisions, subdivisions or instrumentalities with goods or services or to perform construction or other works; natural or juridical persons who have been granted franchises, incentives, exemptions, allocations or similar privileges or concessions by the government or any of its divisions, subdivisions, or instrumentalities including government-owned or controlled corporations; natural or juridical persons who, within one year prior to the date of the election, have been granted loans or other accommodations in excess of P100,000.00 by the government or any of its divisions, subdivisions or instrumentalities including government-owned or controlled corporations.

c. Section 97 of the same Code makes it unlawful for any person or organization whether civic or religious to directly or indirectly solicit
and/or accept from the commencement of the election period up to the end including election day.

d. Section 261(o) of the same Code prohibits the use under any guise whatsoever, directly or indirectly, of any printing press, radio or television station or audiovisual equipment operated by the government or by its divisions, subdivisions agencies or instrumentalities, including government-owned or controlled corporations, or any equipment, facility, apparatus, paraphernalia or which owned by the government-owned or controlled corporations, or by the Armed Forces of the Philippines for any election campaign or for any partisan political activity shall be prohibited.

e. Section 261 (dd) (4) of the same Code which penalizes any operator, or employee of a public utility operating under a Certificate of Public Convenience who refuses to carry official election mail matters free of charge during the election period.

All concerned MARINA officials and employees are hereby directed to apprehend violators of the aforesaid prohibitions and refer such violations to the Commission, thru its Regional Election Directors or Provincial Election Supervisors, for appropriate action.

All shipping operators/owners engaged in domestic shipping shall report within thirty(30) days following the day of the election, the use, rental or hiring of their facilities by any candidate or political party in connection with the election campaign, including the amount paid for such use, rental or hiring, which reports shall be submitted to the Election Records and Statistics of the Commission on Elections for the purpose of proper accounting and monitoring of expenses of candidates and political parties under Sections 100 and 101, respectively, in relation to Section 112 of the Omnibus Election Code.

Done this April 22nd day of 1997, at Manila, Philippines.

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

BY AUTHORITY OF THE BOARD:

RADM PIO H GARRIDO JR AFP (Ret)
Administrator
SECRETARY’S CERTIFICATE

This is to certify that the above-mentioned Memorandum Circular was submitted to, and approved for implementation by the MARINA Board on Apr. 30, 1997.

PURITA C. CENTENO
Corporate Board Secretary

Date of publication : 02 May 1997, Malaya Newspaper
Date of submission to the U.P. Law Center : 07 May 1997