



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF TRANSPORTATION
MARITIME INDUSTRY AUTHORITY

**MARINA RULES ON APPEAL FOR CPC-RELATED
CASES**

Pursuant to the authority vested in the MARINA under the Public Service Act, as amended, Presidential Decree No. 474, Executive Order No. 125, as amended and Republic Act No. 9295 and its Implementing Rules and Regulations, the MARINA hereby adopts the following rules for the appeal of cases involving franchises:

RULE I. SCOPE AND APPLICATION

Section 1. Coverage. – These Rules shall apply to decisions, orders, or resolutions of the Regional Director on the following cases:

- a. Petition/Application for:
 - i. CPC issuance;
 - ii. CPC exemption;
 - iii. CPC renewal/extension;
 - iv. CPC cancellation (7.17.2, IRR RA 9295)
 - v. Amendment to the CPC; and
 - vi. Approval of Sale and Transfer.

Section 2. Non-Appealable Cases - Due to the temporary nature of the special permit, provisional authority or interlocutory orders, no appeal shall be allowed for decisions or orders related to the issuance of said special permits, provisional authority, or interlocutory orders. An interlocutory order is one which does not of itself definitely settle or conclude any of the rights of the parties to an action.

Section 3 Motion for Reconsideration. – A party adversely affected by a decision, order or resolution of the Regional Director may within thirty (30) calendar days from receipt of a copy thereof, file a motion for reconsideration with proof of service upon the other party. No more than one motion for reconsideration by each party shall be entertained.

Section 4. Construction. – These Rules shall be liberally construed in order to promote the objective of obtaining a just, speedy, and inexpensive disposition and resolution of petitions filed before the MARINA.

Section 5. Suppletory Application. – In the absence of an applicable provision under these Rules, the relevant provisions of the Revised Rules of Court of the Philippines and the relevant jurisprudence may, in the interest of speedy disposition of cases, be applied by analogy or in a suppletory character.

Section 6. Finality of the Decision, Order, or Resolution. – The decision, order or resolution of the Regional Director shall become final and executory after thirty (30) calendar days from receipt of a copy thereof, unless a motion for reconsideration or appeal is filed within the period prescribed by these Rules.

RULE II. APPEAL TO THE ADMINISTRATOR

Section 1. Where to appeal. – The appeal shall be filed with the Regional Office that rendered the assailed decision, order or resolution.

Section 2. Period to appeal. – An appeal to the Administrator shall be taken within thirty (30) calendar days from notice of the decision, order or resolution appealed from or from notice of the denial of appellant's motion for reconsideration.

Being a jurisdictional requirement, failure to file the appeal within the prescribed period shall result in its outright dismissal.

Section 3. How to appeal – An appeal shall be taken by filing a verified appeal memorandum in two (2) original copies with the Regional Office that rendered the assailed decision, order or resolution. Copies of the appeal memorandum shall be served on the adverse party and the MARINA Regional Office that rendered the assailed decision, final order, or resolution. The Regional Office shall have the ministerial duty to accept the appeal memorandum filed in accordance with this section, regardless of the grounds raised therein.

The appeal memorandum shall be filed either personally, by registered mail, private courier or through an online platform authorized by MARINA, with proof of service upon the concerned parties and proof of payment of the filing fee. An appeal memorandum erroneously filed with an office other than the MARINA Regional Office that rendered the assailed decision, order, or resolution shall not be acted upon.

In case of online filing of the appeal, the authorized receiving officer of MARINA shall acknowledge receipt thereof indicating thereto the filer/sender of the email; date of receipt thereof; title of the pleading filed; the parties to the appeal; the number of pages thereof including annexes, and other attachments, if any; and proof service to other parties.

Section 4. Effect of filing an appeal – The appeal shall not stay the decision, final order, or resolution sought to be reviewed unless the Administrator shall direct otherwise, upon terms as it may deem just, considering the nature and circumstances of the case.

Section 5. Appeal fee – The appellant shall pay the corresponding appeal upon the filing of an appeal. Payment of the appeal fee may be made online through the e-payment system, or personally at the MARINA Central Office or at any MARINA Regional Offices.

Non-payment of the appeal fee or failure to attach the official receipt or proof of

payment thereof shall render the as not filed.

Section 6. Transmittal of the record. — Within five (5) working days from receipt of a copy of the appeal memorandum, the MARINA Regional Office shall *motu proprio* elevate the complete records of the case, along with a summary of the proceedings, to the Office of the Administrator.

Section 7. Grounds. — The appeal may be entertained only on any of the following grounds:

- (a) If there is prima facie evidence of abuse of discretion on the part of the Hearing Officer or Regional Director;
- (b) If the decision, award or order was secured through fraud or coercion, including graft and corruption;
- (c) Any question of law arising from the issuance of CPC; and/or,
- (d) If there are errors in the findings of facts which, if not corrected, would cause grave or irreparable damage or injury to the appellant.

Section 8. Perfection of appeal. — The appeal shall be deemed perfected upon the filing of the verified appeal memorandum duly filed in accordance with Section 9 hereof, and the payment of the corresponding appeal fee.

Section 9. Appeal Memorandum, form, and its contents — The appeal memorandum shall be filed in two (2) original copies on legal-size bond paper, written in any of the official languages, typewritten or printed, in double space, and shall contain the following: (i) the caption which shall be the same as that in the original case, with the party appealing additionally designated as the "Appellant" and the party against whom the appeal is made as the "Appellee"; (ii) proof of service to the appellee; (iii) the full name, capacity and address of the parties to the appeal; (iv) the material dates showing that it was filed on time; (v) a clear and concise statement in narrative form of the established facts, the issues raised, the specification of errors or arguments relied upon in support of the appeal; and (vi) an attached copy of the decision, final order or resolution of the Regional Director subject of the appeal.

No appeal shall be given due course, unless it includes a verification and certification of non-forum shopping as provided in Sections 4-5 of Rule 7 of the Rules of Court, as amended.

Section 10. Non-compliance with requirements. — A mere memorandum of appeal without complying with the aforementioned requirements shall not stop the running of the period for perfecting an appeal and shall constitute sufficient ground for the outright dismissal of the appeal.

Section 11. Counter-Memorandum. — If the appeal is found to be sufficient in form and substance, the Administrator shall issue an order directing the appellee to submit a verified counter-memorandum within fifteen (15) calendar days from notice of such order. The verified counter-memorandum shall be in two (2) original copies with proof of service thereof to the appellant. Failure on the part of the appellee who was properly furnished with a copy of the appeal memorandum to file his/her counter-memorandum within the given period shall be construed as a waiver to file the same,



and the appeal shall then be decided based on available records. Provided, however, that the MARINA Regional Office shall be exempt from the submission of a verified counter-memorandum as stated in this section, unless the Administrator directs otherwise.

Section 12. Submission of position papers. – After the submission of the appellee’s verified counter-memorandum, or upon the lapse of the period to file the same, the parties may be required to submit a position paper before the appeal is considered to be submitted for decision. Provided, however, that the MARINA Regional Office shall be exempt from the submission of a position paper as stated in this section, unless the Administrator directs otherwise.

Section 13. Withdrawal of appeal. – Notwithstanding the perfection of the appeal, the appellant may withdraw the same at any time prior to the issuance of the order declaring the case submitted for decision.

Section 14. Clarificatory Hearing / Conferences. – At any time before the decision on the appeal is rendered, the Administrator may, in the evaluation of the appeal, order the conduct of a clarificatory hearing or ocular inspection, if necessary for the purpose of clarifying specific matters taken up in the appeal, including the possibility of an amicable settlement.

Section 15. Submission for decision. – Upon the filing of the last pleading or upon the lapse of the period to file such pleading, if no such pleading is filed, the case shall be considered submitted for decision unless the Administrator directs otherwise.

Section 16. Finality of the decision of the Administrator. – The decision, resolution or order of the Administrator shall become final and executory within fifteen (15) calendar days from receipt of a copy thereof by the parties, unless an appeal is filed to the Office of the President in accordance with their own rules.

Section 17. Repeal. – Section 22 and 24 of Rule II of the MARINA Revised Rules of Practice and Procedure approved on 28 January 2014 are hereby repealed and all other prior rules, regulations, or guidelines which are inconsistent herewith are deemed modified accordingly.

Section 18. Effectivity. – These Rules shall become effective fifteen (15) calendar days after its publication in a newspaper of general circulation or the Official Gazette, whichever comes earlier. Upon effectivity, these Rules shall be applied to pending proceedings before the Authority to the extent that they are applicable.

Manila, Philippines, OCT 21 2024.

BY AUTHORITY OF THE MARINA BOARD:


SONIA B. MALALUAN
Administrator
Maritime Industry Authority

SECRETARY'S CERTIFICATE

This is to certify that the MARINA Rules on Appeal for CPC-related Cases has been approved by the MARINA Board during its 307th Regular Board Meeting held on 1 August 2024.


ATTY. SHARON L. DE CHAVEZ-ALEDO
Board Secretary

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