

**[MIA MEMORANDUM CIRCULAR NO. 50-A,
November 05, 1993]**

**AMENDED SCHEDULE OF PENALTIES AND ADMINISTRATIVE
FINES**

Pursuant to the provisions of Executive Order Nos. 125 and 125-A, Presidential Decree No. 474, as amended, the Public Service Act, as amended, Presidential Decree Nos. 760/866/1711, 666 and the pertinent Implementing Rules and Regulations, the penalties/administrative fines for various violations shall be, as follows:

A

**Violations Under the Public Service
Act, as Amended**

1. For operating without valid Certificate of Public Convenience (CPC) or Provisional Authority (PA):
 - 1.1 vessels below 100 GRT - P50.00/day of operation but not to exceed P10,000.00
 - 1.2 vessels 101 - 450 GRT - P100/day of operation but not to exceed P20,000.00
 - 1.3 vessels above 451 GRT - P200/day of operation but not to exceed P25,000.00
2. Failure to provide/maintain a safe, adequate, sanitary and proper service (per vessel):
 - 2.1 First violation - P10,000.00
 - 2.2 Second violation - P20,000.00
 - 2.3 Third and succeeding violations - P25,000.00
3. Late/Non-submission of annual reports:
 - 3.1 operators with total owned tonnage of 50 GRT or less - P500.00/year of delay
 - 3.2 operators with total owned tonnage or 51-100 GRT - P1,000/year of delay
 - 3.3 operators with total owned tonnage above 100 GRT - P3,000/year of delay

A year shall mean the period starting from 01 July of the present year to 30

June of the ensuing year. Any fraction of the year shall be considered one year of delay.

4. Blatant and contumacious refusal to file annual reports:

4.1 operators with total owned tonnage of 50 GRT or less - P5,000.00

4.2 operators with total owned tonnage of 51 - 100 GRT - P10,000.00

4.3 operators with total owned tonnage of above 100 GRT - P25,000.00

Refusal to submit/file annual reports for two (2) consecutive years shall be considered blatant and contumacious for purposes of this Circular.

5. Failure to keep books, records and accounts of operation:

5.1 First violation - P5,000.00

5.2 Second violation - P10,000.00

5.3 Third and succeeding violations - P25,000.00

6. Failure to inform/advise MARINA of the change in the management/stockholders of the public service:

6.1 First violation - P5,000.00

6.2 Second violation - P10,000.00

6.3 Third and succeeding violations - P25,000.00

7. Failure to give immediate and effective notice of all/any accidents arising/connected with the operation or maintenance of the vessel:

7.1 First violation - P3,000.00

7.2 Second violation - P5,000.00

7.3 Third and succeeding violations - P10,000.00

8. Failure to file schedule of classification employed/individual or joint rates/fares for any service rendered (per vessel):

8.1 First violation - P5,000.00

8.2 Second violation - P10,000.00

8.3 Third and succeeding violations - P25,000.00

9. Refusal/withholding service to any individual or shipper (per vessel):

9.1 First violation - P5,000.00

9.2 Second violation - P10,000.00

9.3 Third and succeeding violations - P25,000.00

10. Giving directly or indirectly, discounts or rebates on authorized rates (per vessel):

10.1 First violation - P5,000.00

10.2 Second violation - P10,000.00

10.3 Third and succeeding violations - P25,000.00

11. Overcharging of rates/failure to give discounts to those entitled under

pertinent laws, rules and regulations, circulars (i.e. students, senior citizens, children below 3 years old/3-12 years old) (per vessel):

11.1 First violation - P5,000.00

11.2 Second violation - P10,000.00

11.3 Third and succeeding violations - P15,000.00

12. Selling/leasing/alienating the vessel or its franchise without MARINA approval:

12.1 First violation - P5,000.00

12.2 Second violation - P15,000.00

12.3 Third and succeeding violations - P25,000.00

13. Selling/alienating/transferring shares of capital stock resulting in the reduction of the capital stock belonging to Philippine citizens to less than sixty percent (60%):

13.1 First violation - P5,000.00

13.2 Second violation - P10,000.00

13.3 Third and succeeding violations - P25,000.00

14. Failure to pay supervision fees:

Sixty (60) days delay after September 30 - 50% of the supervision fees due the operator

Beyond sixty (60) days from September 30 - 50% plus 1% for every month of delinquency

B

Violations Under Existing MARINA Circulars/ Rules and Regulations/Orders

1. Abandonment or failure to call on its authorized route/link/port without MARINA approval (per vessel):

1.1 First violation - P5,000.00

1.2 Second violation - P10,000.00

1.3 Third and succeeding violations - P25,000.00

2. For the inability to present valid STCW endorsement of certificates/Ratings certificates or valid Dispensation certificate of any officer/ratings required to be so certificated, and violation of the limitation set forth in the certificate (per vessel):

a. Over ships of less than 100 GRT -

First violation - P5,000

Second and succeeding violations - P10,000 plus detention of the vessel until compliance or correction of deficiency

b. Over ships 100 GRT and above -

First violation - P5,000

Second and succeeding violations - P25,000 plus detention of the vessel until compliance or correction of deficiency

3. Failure to secure a continuous passenger insurance cover/Marine Pollution cover/P & I cover or equivalent (per vessel):

3.1 First violation - P10,000.00

3.2 Second violation - P15,000.00

3.3 Third and succeeding violations - P25,000.00

4. Non-compliance with the provisions of the Minimum Service Standards for Philippine registered Inter-island Passenger Vessels as provided under MC 65, as amended (per vessel):

4.1 First violation - P5,000.00

4.2 Second violation - P10,000.00

4.3 Third and succeeding violations - P25,000.00

Penalties for violation of existing MARINA circulars/orders/rules and regulations which are not otherwise covered herein shall continue to be penalized under such MARINA circulars/orders/rules and regulations.

5. Non-compliance with the requirement in presenting a ten-minute film on board passenger/passenger-cargo vessels 250 GRT and above:

5.1 First violation - P10,000.00

5.2 Second violation - P20,000.00

5.3 Third and succeeding violations - P25,000.00

6. Non-allocation and maintenance of 50% of the vessel's authorized passenger capacity to third class accommodation:

First violation - P5,000.00

Second violation - P10,000.00

Third and succeeding violations - P25,000.00

C

Other Violations of Terms and Conditions of the CPC/PA

1 Failure to observe schedule of trips/sailing frequency (per vessel):

1.1 First violation - P5,000.00

1.2 Second violation - P10,000.00

1.3 Third and succeeding violations - P25,000.00

2. Failure to post schedule of trips/rates on board the vessel or in a conspicuous place in the pier (per vessel):

2.1 First violation - P5,000.00

2.2 Second violation - P10,000.00

2.3 Third and succeeding violations - P25,000.00

3. Overloading/overcrowding
 - 3.1 First violation - P5,000.00
 - 3.2 Second violation - P10,000.00
 - 3.3 Third and succeeding violations - P25,000.00
4. Failure to secure continuous and valid PCG/NTC documents for the vessel (per vessel):
 - 4.1 First violation - P5,000.00
 - 4.2 Second violation - P10,000.00
 - 4.3 Third and succeeding violations - P25,000.00
5. Failure to carry the CPG/PA/SP on board the vessel (per vessel):
 - 5.1 First violation - P5,000.00
 - 5.2 Second violation - P10,000.00
 - 5.3 Third and succeeding violations - P25,000.00
6. Failure to maintain the vessel's class (per vessel):
 - 6.1 First violation - P5,000.00
 - 6.2 Second violation - P10,000.00
 - 6.3 Third and succeeding violations - P25,000.00
7. Failure to comply with any conditions of the CPC/PA/SP other than those stipulated herein:
 - 7.1 First violation - P5,000.00
 - 7.2 Second violation - P10,000.00
 - 7.3 Third and succeeding violations - P25,000.00

D

Violations Under PD 474/Executive Orders Nos. 125 and 125-A and PD 666

1. Non compliance with post-approval conditions on importation, local construction, lease-purchase, option to purchase:
 - 1.1 First violation - P1,000.00/condition + warning
 - 1.2 Second violation - P2,000.00/condition or P10,000 whichever is lower
 - 1.3 Third and succeeding violations - P3,000.00/condition or P25,000 whichever is lower
2. Non-submission of post-approval documents within the period prescribed on importation, local construction, lease-purchase, option to purchase:
 - 2.1 First violation - P50/document/day or P3,000 whichever is lower
 - 2.2 Second violation - P75/document/day or P4,000 whichever is lower
 - 2.3 Third and succeeding violations - P100/document/day or P10,000.00 whichever is lower