CIRCULAR INTRODUCING AMENDMENTS TO THE INTERIM RULES OF PRACTICE AND PROCEDURE IN THE MARINA IN THE EXERCISE OF ITS QUASI-JUDICIAL FUNCTIONS

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To further effectively and expeditiously dispose of applications for the Issuance of Certificate of Public Convenience/Provisional Authority/Special Permit filled with this Authority, and in furtherance of the aim and objectives of Administrative Order No. 109 promulgated on 23 January 1989, "Providing Measures for Speedy Disposition of Cases Filed Before all Quasi-Judicial and Administrative Agencies of the Government", and in pursuance of Executive Order Nos. 125 and 125 A, the following amendments to the "Interim Rules of Practice and Procedures in the Maritime Industry Authority" in the exercise of its quasi-judicial functions are hereby approved by the Maritime Industry Board in its Board Meeting of August 30, 1989.

A
Period of Publication

SECTION 2. Rule 9 (Notice of Hearing) is hereby amended by reducing the 15-day-prior-notice to ten (10) days and to read as follows:

> "Section 2. Publications and Services — The applicant shall cause the notice of hearing to be published once in one (1) newspaper of genera circulation at least ten (10) days before the date of hearing and to serve copies of the application and notice to the affected parties, as furnished by the Authority/Hearing Officer."

B
Affidavit and Counter Affidavit to be Required

The applicant shall submit his affidavit or the affidavit of his witnesses to serve as the direct testimony of the applicant, a copy thereof shall be served by the applicant on the affected operators at least five (5) days prior to the date of hearing and the affected operator (s) shall file a counter affidavit thereto not later than the date of hearing, a copy thereof furnished the applicant. Clarificatory questions may be propounded during the hearing.

C
Continuous Hearing

The applicant shall be given thirty (30) days from the Initial hearing to rest/terminate its application wherein the jurisdictional requirement of publication and service of notice have been complied with in case of contested application, inclusive of the formal offer of exhibits. The oppositor(s) is likewise given the same period of thirty (30) days from the termination of the case by the preceding party. In the case of uncontested application, a shorter period of twenty (20) days from the initial hearing is imposed/adopted inclusive of the formal offer of exhibits, within which the applicant shall terminate his case.

D
Motion for Postponement

A motion for postponement of a hearing shall be filed at least three (3) days prior to the date of hearing sought to

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be postponed. containing a notice of the adverse party, provided that a motion for postponement on a shorter notice may be granted only on extremely meritorious and/or exigent reasons, where due process or the interest of the service requires.

E
MARINA Administrator's Authority to Sign Decisions Approved by the Board

To expeditiously implement decisions previously approved by the MARINA Board granting Certificates of Public Convenience, the MARINA Administrator is hereby authorized to sign decisions on applications for Certificate of Public Convenience approved by the Maritime Industry Authority Board.

All provisions of Memorandum Circular No. 39, Executive Order No. 1011 and other provisions of the Interim Rules and Procedures of the Maritime Industry Authority in the Exercise of its Quasi-Judicial Functions which are not contrary to or inconsistent with this Memorandum Circular shall remain in full force and effect.

This Memorandum Circular shall take effect immediately upon its publication once in a newspaper of general circulation.

Adopted: 4 Oct. 1989

BY AUTHORITY OF THE BOARD:

(SGD.) PHILIP S. TUAZON
Administrator

Effective: 6 November 1989

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