

AMENDMENTS TO ITEM E, ON FINES AND PENALTIES, OF MEMORANDUM CIRCULAR NO. 41, AS AMENDED BY MEMORANDUM CIRCULAR NO. 41-A ON GUIDELINES UNDER 1978 STCW INTERNATIONAL CONVENTION

MARINA MEMORANDUM CIRCULAR NO. 41-B, August 30, 1991

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Pursuant to Section 12 (f) of Executive Order No. 125, as amended by Executive Order No. 125-A, both series of 1987, Item E, on Fines and Penalties of Memorandum Circular No. 41, as amended by Memorandum Circular No. 41-A on guidelines for the issuance of endorsement certificates and ratings certificate in compliance with the requirements of 1978 International Convention on Standards of Training, Certification and Waterkeeping (STCW), for Seafarers is hereby further amended, as follows:

1. Any seafarer who submits any false statement or misrepresentation in his application, fraudulent or tampered certificates or documents shall be subject to criminal prosecution under The Revised Penal Code and administrative penalty, as follows:

First Offense:

Officers:

Master Mariner

P12,000.00

Chief Engineer

11,000.00

Chief Mate/Second Engineer

9,000.00

Second Mate/Third Engineer/Radio Operator/Electrician

7,000.00

Third Mate/Fourth Engineer

6,000.00

Ratings

5,000.00

For succeeding offenses, suspension or disqualification to practice his profession by the Professional Regulation Commission or proper government agency upon recommendation of the Maritime Industry Authority shall be

imposed.

2. Shipping companies or manning agencies requesting or recommending endorsement for and/or in behalf of a particular seaman shall be held responsible for the spurious or tampered documents submitted to this Authority which were secured or tampered by the shipping company or manning agency or any of their employees or liaison officers/messengers, or where said company or agency or employee/liaison officer/messenger has tampered or participated in securing the documents from any source shall be made solidarily liable to the following administrative fine:

First Infraction - Twenty Five Thousand (P25,000.00) Pesos

Second Infraction - One Hundred Thousand (P100,000.00) Pesos and suspension of company's License for one (1) month by the Philippine Overseas Employment Administration or proper government agency upon recommendation of the Maritime Industry Authority

Third Infraction - Cancellation of company's license by the Philippine Overseas Employment Administration or proper government agency upon recommendation of the Maritime Industry Authority

No permit, license or authority shall be granted pending compliance with this memorandum circular.

In addition, the responsible officials of the Company or Agency and employee/liaison officer/messenger shall be subject to criminal prosecution under the Revised Penal Code.

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

Adopted: 30 Aug. 1991

(Sgd.) PHILIP S. TUAZON

Administrator

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