

SUMMARY ADJUDICATION OF CASES/COMPLAINTS INVOLVING HOLDERS OF OVERSEAS SSRB

MEMORANDUM CIRCULAR NO. 02-94, January 16, 1994

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AAuthority

1. Section 3(e) of Republic Act 5173 empowers the Philippine Coast Guard to issue licenses and certificates to merchant marine officers, seamen and fishermen as well as to suspend or revoke such certificates.
2. Presidential Decree No. 1603 empowers government offices to promulgate rules and regulations and to impose fine on any person for violation thereof not exceeding P20,000.00.

BPurpose

To prescribe policies and procedures for the expeditious and judicious resolution of cases/complaints against holders of overseas SSRB.

CApplication

This Memorandum Circular applies to all Filipino seafarers, both officers and ratings who are holders of overseas SSRB and are the subject of complaints and other related cases in relation to their profession as merchant mariners.

DPolicies

Chapter XVI paragraph 1604 of the Philippine Merchant Marine Rules and Regulations (PMMRR) provides that the Board of Marine Inquiry (BMI) shall have exclusive jurisdiction to investigate cases/complaints against marine officers and that cases/complaints against holders of seamen's certificates not otherwise licensed as marine officers shall be cognizable by a Hearing Officer. The process, however, is obviously very tedious thus causing not only so much delay for resolution of cases but has discouraged the concerned parties in resorting to it. In order to expedite resolution of cases/complaints against holders of overseas SSRB, the following policies are hereby promulgated:

- a. Cases/complaints against any holder of overseas SSRB whose offense calls for a penalty which is lower than the mandatory revocation of SSRB pursuant to MC 02-90 dated 29 Jan. 90 shall be summarily adjudicated.
- b. The Commanding Officer, Seaman Processing and Registry Unit (SPRU) shall be the Summary Adjudicating Officer whose decision shall be final unless appealed by the respondent in which case, the appeal shall be made and addressed to the Commandant, Philippine Coast Guard within 5 working days upon receipt of the decision by the adjudicating officer.
- c. The following are among the cases/complaints cognizable by the Summary Adjudicating Officer:

[1]

Incompetence, negligence or incapacity in the performance of duty.

[2]

Intemperate habits such as drunkenness tending to cause immediate loss or serious damage to the vessels, or tending to endanger the life of any person organic to or passenger of such vessel.

[3]

Insubordination.

[4]

Violation of the terms and conditions of the contract without just cause.

[5]

Final conviction by a court of competent jurisdiction of a crime involving moral turpitude.

[6]

Tampering of SSRB.

[7]

Any unfavorable remarks against any SSRB holder reflected on his SSRB by his Captain/Master relative to his performance aboardship as an officer or a seaman as the case may be.

d. The adjudicating officer may refer any case/complaint to the BMI, Coast Guard Investigation Service (CGIS) or a Special Board for further and thorough investigation or if it warrants a criminal prosecution, the BMI, CGIS or a Special Board created for the purpose shall act accordingly.

e. On the case of tampering of SSRB, the adjudicating officer shall only have jurisdiction on the following instances.

[1]

When some pages or portions of SSRB were detached for the sole purpose of changing the bad remarks against its holder entered by the master of the vessel.

[2]

When there is a dubious/erroneous entry made on the SSRB.

f. All other modes of tampering shall be dealt with seriously to the extent of filing criminal charges against its holders and perpetrators. These shall be cognizable by CGIS.

g. CO, SPRU shall henceforth prescribe the detailed procedures and guidelines for the adjudication process and the implementation of this policy guidance.

h. A detailed monthly report of adjudicated cases/complaints shall be rendered to CPCG (Attn: CG-11) every 5th day of the succeeding month.

E

Penalty Clause

1. Any SSRB holder found guilty by the Summary Adjudicating Officer shall be fined a minimum of P500.00 up to a maximum of P3,000.00 or his SSRB be suspended a minimum of one month to a maximum of 12 months or both.

2. Repeated violation shall be ground for revocation of SSRB and/or perpetual disqualification to possess SSRB as the Commandant, PCG may determine.

Effectivity

This Memorandum Circular shall take effect fifteen days upon submission to the University of the Philippines Law Center.

Adopted: 17 Jan. 1994

(Sgd.) DARIO T. FAJARDO
Commodore AFP

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