

UNAUTHORIZED VENDING, DISPOSITION OF SEIZED ITEMS, AND OTHER MATTERS

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Pursuant to R.A. 7621 and in relation to existing law, rules and regulations, for the optimum utilization of the port and port premises with the end in view of providing more space for legitimate port users and for the safety and Memorandum Circular is issued for the guidance and compliance by all concerned:

SECTION 1. Unauthorized Vending — Unless in possession of a valid permit issued by the Authority, no person or entity shall engage in the business of selling goods or services within the port area.

SECTION 2. Selling of Beer, Liquor and other Alcoholic Beverages — Selling of beer, liquor, and other alcoholic beverages is absolutely prohibited within the port operational area.

SECTION 3. Removal and/or Destruction and Disposition of Illegal Vending Stalls and other Vending Paraphernalia and Confiscation and Disposition of Seized Items — Except as provided in Section 5 hereof, the Authority, through the Port Police Division (PPD), shall remove or cause to be removed, destroy, confiscate and/or seize illegal vending stalls and other vending paraphernalia, beer, liquor, and other alcoholic beverages which are being sold within the port area.

The owner of the confiscated or seized items shall, within five (5) days from receipt of notice, have the right to redeem the same upon payment of the applicable fine. Failure to do so shall be deemed a waiver, and the Authority, through the PPD, may sell or otherwise dispose of the seized items in any manner reasonable in the public interest, which may include but not limited to, destruction thereof. Proceeds of any sale of seized items shall form part of the other income of the Authority.

SECTION 4. Fines/Penalties — Any person or entity caught committing the offense of unauthorized vending or selling of beer, liquor, or other alcoholic beverages shall be penalized with a fine in accordance with the following schedule:

- First Offense — P 500.00
- Second Offense — 1,000.00
- Third Offense — 1,500.00

In the case of an authorized vendor who is found to have violated this Memorandum Circular, the permit/privilege granted him by Authority shall be withdrawn, cancelled, or revoked.

SECTION 5. Payment Under Protest — In case of protest to the imposition of penalty/fine, the person concerned shall pay under protest and the procedure provided for under CPA MC No. 03-97 shall govern.

SECTION 6. Exclusion — This Memorandum Circular shall not apply to beer, liquor, or other alcoholic beverages, which enter, pass through, or stay in the port area as cargo.

SECTION 7. Repealing Clause — All earlier issuances inconsistent with this Memorandum Circular is hereby repealed or modified accordingly.

SECTION 8. Effectivity — The Memorandum Circular shall take effect immediately upon publication in a newspaper of general circulation.

Approved.

Adopted: 10 Nov. 1997

(SGD.) RAUL T. SANTOS

General Manager

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