PROVIDING PENALTIES FOR THE SUBMISSION OR USE OF SPURIOUS/FAKE DOCUMENTS IN CONNECTION WITH ANY REQUEST OR PROCEEDINGS FOR AUTHORITY FROM THE MARITIME INDUSTRY AUTHORITY

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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, an administrative fine in the amount of Twenty-Five Thousand (P25,000.00) Pesos shall be imposed, in addition to recommendation for criminal prosecution, upon the managing head or chief operating officer of any shipping or fishing company/operator and other maritime enterprise and other concerned who shall submit to, or use in any proceedings before, the Maritime Industry Authority any spurious/fake documents, after investigation and due process. If the request or proceeding refer to vessels, the said fine shall be imposed per vessel. No permit or authority shall be issued pending compliance with this memorandum circular.

The following shall be considered evidence that the documents, among others, are spurious/fake:

1. Admission by the company, firm or operator or any of its officers or employees that the document is spurious/fake;

2. Submission of another set of documents or papers purportedly genuine in place of questionable document or paper; and

3. Document or paper secured by "fixers" for the company, firm or operator, in any arrangement the latter had with the "fixer". The company, firm or operator shall be absolved if he can produce the "fixer" before the MARINA. Failure to present the "fixer" or person who secured or furnished the questionable document even if the case is brought to police agencies, such as, the presentation of police blotters, shall not exempt the company, firm or operator from the penalty.

For purposes of this Memorandum Circular the act of an employee, messenger or liaison officer of the company, firm or operator shall be considered an act of the latter, as principal.

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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