

**[MIA MEMORANDUM CIRCULAR NO. 53-A,
September 21, 1990]**

**GUIDELINES FOR HEARINGS AND INVESTIGATION BEFORE THE
MARITIME INDUSTRY AUTHORITY AMENDING CERTAIN
PROVISIONS OF THE INTERIM RULES OF PRACTICE AND
PROCEDURE, AND FOR OTHER PURPOSES**

Pursuant to Resolution No. 90-19, of the Maritime Industry Board, and in order to provide uniform guidelines in the conduct of hearings in the MARINA or its regional offices, more specifically in applications for franchise under the Public Service Act, as amended, and in investigations for violations of Presidential Decree Nos. 474/666/760/866/1711, and Executive Order Nos. 125/125-A, and other laws, rules, and regulations implemented by this Authority in its economic or enforcement functions, and for the purpose of fairly and expeditiously resolving all cases/complaints, without affecting, while in fact, enhancing the basic rights of due process to parties-litigants, the Maritime Industry Board RESOLVES to issue, as it hereby issues, the following guidelines in the conduct of all hearings and investigations before this Authority:

1. The Authority hereby adopts a system of procedure whereby applications (whether original or extension/renewal) for Certificates of Public Convenience (CPC), Provisional Authorities (PA) or Special Permits (SP) are deemed officially accepted for filing and processing only upon presentation of the following:

- 1.1 Latest Audited financial statements relative to the operation of the vessel(s)/company; for an existing operator, the latest Annual Report;
- 1.2 NAMRIA (formerly BCGS) certified distances per port-to-port link (not applicable to tramping);
- 1.3 Proposed sailing schedules (not applicable to tramping);
- 1.4 Vessel's General Arrangement and/or Passenger Accommodation Plans;
- 1.5 Colored photographs of the vessel showing port side and starboard side view (5" x 7");
- 1.6 Updated/valid Certificate of Inspection issued by the Philippine Coast Guard reflecting the vessel's authorized area of operation/vessel's authority to carry passengers;
- 1.7 Survey/inspection report by MARINA surveyor. If vessel is required for classification, certified true copy of the provisional class or a

valid final class certificate issued by an internationally recognized classification society;

1.8 Articles of Incorporation/Co-Partnership/Business Name;

1.9 Oil Pollution Cover for tankers and barges carrying oil and petroleum products.

1.10 Payment of Filing Fees

1.11 Others as may be required by the MARINA

2. The provisions of the Interim Rules of Practice and Procedure promulgated under Executive Order No. 1011, s. of 1985, in the exercise of the MARINA's quasi-judicial functions, such as, hearings prior to the issuance of Certificate of Public Convenience, or on rate-making, among others, as well as the pertinent provisions of Memorandum Circular No. 53 which became effective on 06 November 1989 more importantly, the ten (10) day publication period, the submission of affidavits and counter-affidavits to serve as direct testimonies for the applicant and oppositor, respectively, and the continuous hearing are hereby adopted and shall likewise apply to investigations involving complaints initiated by this Authority or those filed by a private complainant as a result of the enforcement and/or regulatory functions of the MARINA insofar as they are not inconsistent with these guidelines.

3. All pleadings filed in connection with the quasi-judicial functions of the Authority and those resulting from the exercise of its economic, enforcement or regulatory functions in implementation of laws, rules and regulations prescribed hereunder must be filed within seven (7) working days from receipt of the pleading or order requiring the filing thereof as the case may be.

4. The hearing officer/attorney/panel shall have authority to hear all applications for Certificates of Public Convenience to operate a public water service as well as petitions for rate fixing and all complaints for violations of laws, rules, and regulations implemented by this Authority.

5. In all hearings and/or investigations, the hearing officer/hearing attorney/panel shall hold and conduct a pre-hearing conference.

6. During the said conference, the following matters, aside from those already mentioned in the Interim Rules of Practice and Procedure, shall be agreed upon:

- a. the number of witnesses to be presented;
- b. the approximate number of hours or hearing days required by each party for the presentation of its evidence; and,
- c. the specific hearing dates needed to complete the presentation of all parties, which must be within a period of ninety (90) days from the initial hearing, unless an extension is called for as determined by the presiding officer. Continuous hearings shall be greatly encouraged by the hearing examiner/attorney/panel.