

**[ MARINA REVISED RULES OF PRACTICE AND  
PROCEDURE, January 28, 2014 ]**

*Adopted: 28 January 2014*

*Date Filed: 20 March 2014*

Pursuant to the authority vested in the MARINA under the Public Service Act, as amended, Presidential Decree No. 474, Executive Order No. 125, as amended and Republic Act No. 9295 and its Implementing Rules and Regulations, the MARINA hereby adopts the following rules of practice and procedure:

**RULE I  
GENERAL PROVISIONS**

**Section 1. Title** - These Rules shall be known as the MARINA Revised Rules of Practice and Procedure.

**Section 2. Coverage** – These Rules shall apply to the following cases:

- a. Application/Petition for:
  - i. CPC issuance;
  - ii. CPC exemption;
  - iii. PC renewal/extension;
  - iv. Amendment to the CPC; and,
  - v. Approval of Sale and Transfer;
- b. Complaint involving violation/s of the terms and conditions of the CPC; RA 9295 and its Implementing Rules and Regulations; MARINA Issuances; and other laws pertinent to maritime transportation.
- c. Complaint arising from a maritime incident/accident

**Section 3. Construction.** – These Rules shall be liberally construed in order to promote their object in obtaining a just, speedy and inexpensive disposition and resolution of petitions filed before the MARINA.

**Section 4. Nature of Proceedings.** – Proceedings before the MARINA shall be non-litigious and summary in nature.

The MARINA shall not be bound by the technical rules of procedure and evidence but shall proceed to hear and decide all petitions in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case.

The MARINA may issue general or specific procedural directions at any time, including before or during any proceeding.

**Section 5. Suppletory Application.** – In the absence of an applicable provision under these Rules, the relevant provisions of the Revised Rules of Court of the

Philippines and the relevant jurisprudence may, in the interest of speedy disposition of cases, be applied by analogy or in a suppletory character.

**Section 6. Rules on Electronic Evidence.** – Unless specifically provided under this Rules, the rules on admissibility of electronic evidence shall be applicable.

**Section 7. Definition of Terms.** – As used in these Rules, the following terms shall have the meaning as indicated:

**Answer** – refers to a pleading in which a defending party sets forth his defenses.

**Application** – refers to a written document seeking permission or authorization to undertake an activity regulated by the MARINA.

**Complaint** – refers to a pleading alleging the cause or causes of action of the party initiating the same.

**Petition** – refers to a written document seeking any other affirmative relief that is under the power and authority of the MARINA to grant.

**Pleading** – refers to a written document setting forth allegations of facts, claims, defenses, and/or reliefs sought submitted to the MARINA for appropriate action or judgment and shall include an application, complaint, or petition.

**Section 8. Formal Requirements.** – Pleadings shall be written in any of the official languages, typewritten or printed, in double space, on legal size white bond paper.

Every pleading shall contain a caption, title of the case, designation of the pleading, signature, and address and shall contain in logical form a plain, concise and direct statement of ultimate facts and laws in which the party relies and the relief sought for.

All initiatory pleadings shall be accompanied by verification which shall contain a sworn statement that affiant has read the pleading and that the statements or allegations therein are true and correct of affiant's own knowledge and belief. In case the party is a juridical entity, the verification shall be executed by a duly authorized responsible officer. The corresponding board resolution or secretary's certificate authorizing such officer to represent the entity shall be attached to the pleading.

A certification against non-forum shopping executed in accordance with the Rules of Court shall be attached to an initiatory pleading.

If a party is represented by a lawyer, the following shall be indicated in the pleading:

- a) Roll of Attorney's Number;
- b) IBP Official Receipt Number or IBP Lifetime Membership Number, including the date and place of issue;
- c) Current Professional Tax Receipt Number, including the date and place of issue;
- d) Mandatory Continuing Legal Education Compliance Number for the immediately preceding compliance period, including the date of issue; and
- e) Mailing address, which shall not be a post office box number, including the lawyer's contact number and e-mail address, if applicable.

Substantial compliance with the above requirements shall be sufficient for the MARINA to give due course to the application or petition, or complaint. Any error or defect which does not affect the substantial rights of the parties or alter the nature of the case, or which may be subject to correction or verification, shall not cause the dismissal of the application, petition, or complaint.

**Section 9. Filing and Service of Pleadings.** - All pleadings shall be filed with the appropriate records unit of the MARINA Office/Unit having jurisdiction over the application/petition or complaint.

Applications or petitions shall be filed personally. All other pleadings may be filed personally or by registered mail. If filing is made by registered mail, the same shall be accompanied by a money order in the amount of the corresponding filing fees, payable to the MARINA. Non-payment of the filing fees, or non-inclusion of the said money order, shall render the pleading as not filed.

Service of pleadings may be made by personal delivery, registered mail or private courier. By agreement of the parties, service may also be made by electronic mail or facsimile transmission.

Filing of the complaint cases shall be accompanied by proof of service to the opposing parties.

**Section 10. Processing Fees.** - The applicant or petitioner, or complainant, shall be required to pay the filing or processing fees at the time of the filing of the application, petition, or complaint.

Non-payment of the filing or processing fees shall render the application, petition, or complaint, as not filed.

**Section 11. Proof of Service.** If service is made by registered mail or private courier, proof of service shall consist of a written acknowledgment by the party served or affidavit of the party serving stating the date, place and manner of service, with the registry return receipt or official receipt of the courier attached thereto.

If service is made by electronic mail or facsimile transmission, proof of service shall consist of an affidavit stating how the service was effected and how receipt thereof was verified.

**Section 12. Service of Summons, Notices, Orders, Resolutions, Decisions.** - Notice of initial hearing in applications or petitions, or summons in complaints, and copies of final orders, resolutions and decisions of the MARINA shall be served upon the party and/or counsel of record by personal delivery, registered mail, or private courier, through the records unit of the MARINA Office having jurisdiction over the application or petition, or complaint.

Any other orders or issuances of interlocutory nature may be served upon the parties by electronic mail or facsimile transmission.

**Section 13. Prohibited Pleadings and Motions.** - The following shall be considered as prohibited pleadings and motions which shall not be entertained:

1. Motion to dismiss;
2. Motion for a bill of particulars;

3. Motions for reconsideration in whatever stage of the proceedings, except for final orders, resolutions, or decision;
4. Petition for relief from judgment;
5. Motion for extension of time to file pleadings, affidavits or any other paper;
6. Motions for postponement, except for justifiable reasons;
7. Appeal from any interlocutory order;
8. Motions for clarification of orders, resolutions, and decisions.
9. Demurrer to evidence;
10. Any other pleading which is intended, or appears to, cause the delay of the proceedings.

The filing of such pleadings shall not suspend the proceedings nor interrupt the running of the prescriptive period.

**Section 14. Appearance.** – a) A lawyer appearing for a party is presumed to be properly authorized for that purpose. In every case, he shall indicate in his pleadings and motions his Attorney's Roll Number, as well as his PTR and IBP numbers for the current year.

b) A non-lawyer may appear in any of the proceedings before the MARINA only under the following conditions:

- (1) he represents himself as party to the case;
- (2) he is a duly authorized representative of the party to the case empowered by Special Power of Attorney (SPA) in case of Sole Proprietorship or Secretary's Certificate or Board Resolution in case of partnership or corporation.

c) A non-lawyer who appears in contravention of this Section shall not be recognized in any proceedings before the MARINA.

d) Appearances may be made orally or in writing. In both cases, the complete name and office address of counsel or representative shall be made on record and any change therein shall be filed with the records of the case and furnished the parties concerned.

e) Any change or withdrawal of counsel or representative shall be made in accordance with the Rules of Court.

**Section 15. Exclusion of a person from the hearing** – Contumacious conduct by any person at any hearing before the MARINA is a ground for the exclusion of that person from the hearing.

Further, pursuant to Section 29, Chapter V of the Public Service Act, as amended, the hearing officer may exclude and summarily punish any person guilty of misconduct at any hearing or in his presence or so near the same as to interrupt the hearing or session or any proceedings before him, including cases in which a person present at a hearing session or investigation held by the hearing officer refuse to be sworn as witness or to answer as such when lawfully required to do so.

To enforce the provisions of this Rule, the hearing officer may request the assistance of the Philippine National Police and/or MARINA's Enforcement Office for the execution of any order made for said purpose.

**RULE II**  
**PROCEDURE IN APPLICATIONS FOR THE ISSUANCE AND**  
**RENEWAL/EXTENSION OF, AMENDMENTS TO, AND EXEMPTION FROM**  
**CPC, APPROVAL OF SALE AND TRANSFER AND OTHER PETITIONS**  
**RELATING TO CPC**

**Section 1. Coverage.** – The procedure set forth herein shall apply to cases falling under Section 2 (a), Rule 1 hereof.

**Section 2. How Commenced.** – An application or petition is deemed commenced upon the filing thereof and upon payment of the applicable processing fees.

**Section 3. Who may file an Application/Petition.** – A ship owner/operator or its duly authorized representative supported by a special power of attorney or in case of a corporation, a secretary's certificate and board resolution may file a petition before the MARINA.

However in cases of petition for approval of sale and transfer, the seller or the buyer, or its duly authorized representative supported by proof of authority as provided by the preceding paragraph shall file the petition with the MARINA.

**Section 4. Contents of the Application/Petition.** – The applicant for issuance, extension or renewal of CPC shall state in its application the service it proposes to offer, whether liner or tramping or both, or other types of service, and the routes it proposes to serve.

The Applicant for Amendment of CPC shall state in its application the service it proposes to offer, whether liner or tramping or both, or other types of service, and/or the reason for amending its CPC.

For liner service, the following shall be indicated in the application:

- a) name of ship;
- b) the route(s) to be served;
- c) the reasonable or practicable schedule of trips or sailing frequencies per route or link; and,
- d) initial rates to be adopted.

For tramping service and other types of operation/service, the following shall be indicated in the application:

- a) name of ship;
- b) area of operation or service; and,
- c) type of service it proposes to offer.

The routes shall indicate the exact location of the ports of origin and destination. In case there is no port, indicate the barangay, town, beach, sitio in the application.

**Section 5. Where to File.** – All applications/petitions shall be filed with the MARINA Office where the applicant/petitioner has its principal place of business. Applications for CPC amendment or renewal/extension shall be filed with the MARINA Office where the CPC or Certificate of Exemption was issued.

**Section 6. Acceptance for Filing.** - Only applications or petitions which conform to the formal requirements of these Rules and supported with complete and valid