

**[CPA MEMORANDUM CIRCULAR NO. 03-97,
January 15, 1997]**

**PRESCRIBING PROCEDURE ON THE IMPOSITION OF
ADMINISTRATIVE FINES AND PENALTIES**

Pursuant to Sections 7, 8, 9, and 21 of R.A. 7621 the following rules and guidelines on procedure on the imposition of administrative fines and penalties are hereby prescribed:

SECTION 1. Title — These rules shall be known as the Rules and Procedure on the Imposition of administrative Fines and Penalties.

SECTION 2. Scope —These rules shall govern the procedure on the imposition of administrative fines and penalties for violations of port rules and regulations, traffic and safety regulations and other existing regulations/policies issued/adopted by Authority or which the latter may hereafter provide. However, these rules shall not affect the rules and procedure on the Grant of Extension of Free Storage Period provided under CPA MC No. 35-96 which shall continue to be in force and effect.

These rules shall be without prejudice to the right of the Authority to resort to other legal remedies/actions available.

SECTION 3. Notice of Violation — In case of violation of any port rules and regulations for which a corresponding penalty/fine is imposed, the division manager concerned or his representative shall immediately issue a notice of violation to the offender, stating therein the nature of the violation, the corresponding penalty/fine applicable, and other information necessary to apprise the person served with the notice of the nature of the violation. Notice of Violation shall be served personally or by any reasonable means.

If the person served with such notice refuses to receive the same or to acknowledge receipt thereof, the officer/personnel serving must state such fact on the notice itself and the same shall be deemed sufficient notice.

SECTION 4. Payment of Penalty/Fine — Within seven (7) days from receipt of the above-mentioned notice, the offender must pay the penalty/fine to the cashier of the Cebu Port Authority.

SECTION 5. Payment Under Protest — In case of protest to the imposition of the penalty/fine, the party concerned shall file a written protest within seven (7) days from receipt of the notice of violation with the manager of the division which served the notice. Otherwise, the said penalty/fine shall become final.

No protest shall be entertained if the same is not under oath and without proof of prior payment of the administrative penalty/fine.