

**[MARINA MEMORANDUM CIRCULAR NO. 49-B,
July 13, 1995]**

**MANDATORY SUBMISSION OF ANNUAL REPORT OF FINANCES
AND OPERATIONS, IMPLEMENTING THE PROVISIONS OF
SECTION 17 (H) OF THE PUBLIC SERVICE ACT, AS AMENDED
AND REPEALING IN TOTO MEMORANDUM CIRCULAR NO. 49-A**

**I.
Coverage**

The provisions of this Memorandum Circular shall apply to all shipping companies, shipowners, and operators who are grantees of Certificates of Public Convenience (CPCs) or holders of Provisional Authorities (PAs), except:

1. Those exempted from the purview of the Public Service Act, as amended and therefore not required to secure CPC or PA:
2. Operators/companies that have ceased operation(s) for a period of one (1) year or more and have no intention of reviving its service due to decommissioned services, bankruptcy, sale and transfer of ownership or other reasons amounting to permanent cessation of operation need not submit the required Annual Report; provided however, that within 15 days after cessation, MARINA is duly notified therefore in writing for monitoring purposes; and provided further, that if operation ceases on 01 January of the year, the operator shall still be required to submit its Annual Report, specifically, the traffic report corresponding to the fraction of time of the year prior to its final or temporary stoppage. Correspondingly, revival of services before 31 December of the year shall likewise be reflected in the Annual Report.
3. Operators/companies who have temporarily ceased operations for one (1) year or more but who have manifested their intention to continue operations after the vessel(s) or the fleet was laid-up, reconstructed, repaired, drydocked, renovated or their operations are affected with legal and financial problems, among other reasons, are still required to submit the Annual Report during the unserved year/s, containing only a financial report reflecting depreciation/amortization/maintenance expenses. Further, the cargo and passenger traffic report should indicate the period of non-operation.

**II.
Prescribed Form**

The requisite Annual Report shall be accomplished in the form prescribed by this Authority and which is readily available for a fee at the Central Office or at any of the Regional Offices. Specific forms are provided for single proprietorship, partnership, and corporation.

Annual Report submitted and filed before the MARINA which is incompletely filled-up shall be deemed as if there was no submission and compliance at all.

III.

Due Date of Submission

The Annual Report of the immediately preceding year shall be submitted on or before June 30 of each year to the MARINA at the Central Office or at any of its Regional Offices, whose territorial jurisdiction covers the principal office of the shipping entities.

The period for submission of the Annual Report as provided herein shall be non-extendible.

IV.

Penalties

Payment of the administrative penalties and/or fine shall not be accepted unless there is proof that the Respondent has submitted the subject Annual Report.

Submission of the Annual Report after the due date provided herein even prior to demand, shall not bar and preclude the MARINA from imposing the proper penalty.

The following penalties shall be imposed for any violation of or failure to comply with the above requirements:

A. For Late Submission

Submission of Annual Report shall be considered late when submitted after the deadline herein set forth regardless of the number of days of delay.

For purposes of computing the penalty, a year shall mean the period starting from 01 July of the present year to 30 June of the next year, any fraction of the year shall thereby be considered one year of delay.

- For Operators
with total owned
tonnage of 50
Gross Registered
Tonnage (GRT) or P 300/year
less of delay

- For Operators
with total owned
tonnage of 51-100
Gross Registered P 600/year
Tonnage (GRT) of delay

- For Operators
with total owned
tonnage of over
100 Gross
Registered Tonnage P 900/year
(GRT) of delay