



Republic of the Philippines
OFFICE OF THE PRESIDENT
OPTICAL MEDIA BOARD

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**OFFICE OF THE CHAIRMAN AND CEO
MEMORANDUM CIRCULAR No. 2019-003**

TO : ALL CONCERNED

RE : PENALTY FOR UNCLAIMED LICENSES, PERMITS, AND/OR CERTIFICATIONS

WHEREAS, RA 9239 specifically requires that persons or entities engaged or intending to engage in any of the activities regulated by the Optical Media Board (OMB) and/or conduct or intend to conduct business in more than one location shall separately register with and secure the license from the OMB for every business activity at each place of business.

WHEREAS, both RA 9239 and its Implementing Rules and Regulations (IRR) require that the registration and license, permit, and/or certification issued by the OMB shall be promptly claimed by the applicant.

WHEREAS, there are licenses, permits and/or certifications that remain unclaimed in the Registration and Licensing Division of the OMB to this very day, and hamper the operations of the agency.

WHEREAS, the neglect of applicants to claim their licenses, permits and/or certifications produce various negative effects to the OMB, which include but are not limited to failure of inspection operations and unnecessary efforts in monitoring the status of applications.

Pursuant to the powers and functions of the OMB under Section 10, subsections (a) and (c) of R.A. 9239 relative to the formulation of policies and granting and/or renewal of licenses, and covered by Board Resolution No. 19-11-04, the following are hereby promulgated:

PENALIZING APPLICANTS FOR UNCLAIMED LICENSES, PERMITS AND/OR CERTIFICATIONS

Section 1. Coverage - This Circular covers all persons or entities with unclaimed license, permit and/or certification with the OMB.

Section 2. Notice of Release of OMB License, Permit and/or Certification – The OMB shall notify applicants of the release of their respective license, permit and/or certification

through registered mail or electronic mail (e-mail) address, provided in their license, permit, and/or certification application forms, at the option of the OMB. The date of sending the registered mail or email shall be deemed the date of notice to the applicant.

Section 3. Period for Claiming – Applicant for OMB license, permit or certification shall be given a period of thirty (30) days from notice within which to claim their respective license, permit and/or certification. Said period shall not be extendible, save for very meritorious reasons, and subject to the approval of the Board.

Section 4. Penalty for unclaimed licenses, permits and/or certifications– Applicants for OMB licenses, permits and/or certifications which neglect to claim the same within the thirty (30) day period, shall be subjected to pay a fine of an amount equivalent to the total cost of the license, permit and/or certification, where applicable. In addition to the fine imposed, the applicant shall be blacklisted by the Optical Media Board, and no future application therefrom shall be acted upon until such applicant has been cleared from such blacklisting.

Section 5. Cancellation of License, Permits and/or Certifications – Any license, permit and/or certification issued by the OMB, which applicant fail to claim for a maximum period of six (6) months from date of issuance, shall be cancelled by the Board upon notice to the applicant. For this purpose, any future license, permit, and/ or certification application, shall be treated as a new application.

Section 6. Prima facie presumption of doing business without License, Permit and/or Certification – Individuals or establishments which have any unclaimed license, permit and/or certification for a period of three (3) months or more from date of issuance, and subsequently inspected by the OMB yet fail to present such license, permit, and/or certification, shall be prima facie deemed to be engaging in activities regulated by the OMB without the necessary license, permit and/or certification and shall be subject to administrative penalties pursuant to Title IV Rule 1, Sec. 1 (a)(i) of the IRR of Republic Act No. 9239 also known as "Optical Media Act of 2003". This shall be without prejudice to criminal charges which may be filed against said individual or establishment. For this purpose, the unclaimed OMB License, permit and/or certification mentioned shall be automatically cancelled without need of notice to the applicant.

Section 7. Transitory Provisions - This Memorandum Circular shall apply prospectively.

Section 8. Repeal - All orders, issuances, or part thereof, which are inconsistent with the provisions of this Circular, are hereby repealed or modified accordingly.

Section 9. Severability - If any of the provisions of this Circular are declared invalid or unconstitutional, the other provisions of this circular are not affected thereby shall remain valid and subsisting.

Section 10. Effectivity - This circular shall take effect within fifteen (15) days from publication hereof.

A handwritten signature in black ink, appearing to read 'Anselmo B. Adriano', with a large, stylized initial 'A'.

ATTY. ANSELMO B. ADRIANO
Chairman and CEO