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CLARIFICATORY GUIDELINES TO PPA AO NO. 03-92

PPA MEMORANDUM CIRCULAR NO. 15-93, May 20, 1993

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To ensure a more effective and uniform implementation of Presidential Executive Order # 493 and PPA Administrative Order#03-92, the following clarificatory guidelines are hereby issued for guidance and compliance of all concerned:

SECTION 1. Clearance of Vessels — Section 1 of PPA AO #03-92 provides that arrival/departure clearances of interisland vessels shall solely be secured from and granted by PPA. Although EO 493 DEPUTIZED ppa, this change is primarily procedural to shorten the previous documentation process. The PPA Clearance does absolve the Master/Shipping Company from its duty of complying with the laws (insofar as these are not contrary to EO 493, its MOAs and guidelines) enforceable by other agencies. Said PPA deputization neither encompass nor absorb the responsibility of other government agencies since they still exercise their inherent functions and responsibilities within EO 493 context.

In granting vessel clearance, the PMO shall use the Stamp prescribed herein as "Annex A[*] " which amends PPA AO #31-82 dated 02 December 1982.

SECTION 2. Holding of Vessel's Clearance — Sec. 4 of PPA AO #03-92 provides that PPA shall hold the issuance of vessel's clearance upon receipt of an official notification from an agency whose laws have been or are being violated.

2.1 Said official notification in the form of Hold Order Notice or Request must be made in writing. However, in the case of Bureau of Plant Industry (BPI) or in the exigency of the service, the PMO may act on verbal advice coming from the recognized local representative. Immediately thereafter, the agency must issue a written Notice to formalize its verbal advice. The PMO should receive said written Notice before departure time, without which PPA shall grant clearance to the departing vessel.

2.2 Upon receipt of a Hold Notice, the PMO shall immediately refer the matter to the Master/Shipping Company for compliance and resolution. After receiving a written Lifting Order/Clearance from the concerned agency that the vessel has compiled with requirements, the PMO shall approve the clearance.

2.3 The PMO shall coordinate with local counterparts and arrange that Hold Notice are issued within a reasonable period/cut-off time to prevent delays.

2.4 When PPA Clearance has already been issued ahead of an agency's Notice to Hold, the concerned government agency shall have to give its Hold Order directly to the Master/shipping Company, copy furnished PPA. Accordingly, the PMO shall endeavor to recall the clearance it has issued if still possible.

2.5 Requests for holding of vessels from other agencies (not a party to regular clearance procedural) or from the Courts shall be made in writing stating the grounds for denying clearance, for Court hold/restraining orders, appropriate action shall be taken upon receipt of a duly served Court Order.

2.6 The Port Manager and/or PSD Manager, or in their absence the Harbor/Terminal Supervisor/OIC, shall act on

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holding of vessels.

SECTION 3. Clearance of Cargoes — Cargo Permits/Clearance shall still be issued by other government agencies pursuant to Section 3 and 9.1 of PPA AO No. 03-92. The PMO is not tasked to countercheck said cargo clearance except when it is officially requested by the local agency representative.

In Sec. 7.2 of PPA AO #03-92, Masters/Shipping Companies must ensure that all cargoes loaded on board are covered by permits/clearance from concerned agencies. If the vessel is held due to lack of cargo permits, the Master/Shipping Company may be authorized by PPA and concerned agency to have them unloaded Cargo handling and other port charges/costs shall be borne by the Shipper/Party whose clearances are incomplete. Other corrective measures, depending on the situation, may also be adopted to facilitate vessel clearance and departure.

SECTION 4. Documentation/Report Requirements — In implementing the provisions of Section 6 of PPA AO #03-92:

4.1 The PMO shall establish a system with local representatives and shipping lines so that manifests/data sources/reports are made available, upon request, to other agencies for the exercise of their functions, PMO operational reports may also be revised to incorporate data/info required by other agencies. Reproduction expenses shall be shouldered by the requesting agency.

4.2 The Coasting and Passenger Manifests of domestic vessels shall be subscribed and sworn to with the PPA PMO Clearing Officer.

SECTION 5. Coast Guard SOLAS Requirement — Sec. 2.4 of PPA AO #03-92 provides that PCG shall continue to exercise its Safety of Life at Sea (SOLAS) functions. Before approving departure clearance, the PMO shall therefore check if the vessel has secured its PCG SOLAS Clearance.

This Order shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general publication.

Adopted: 20 May 1993

(SGD.) ROGELIO A. DAYAN
General Manager

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[*] Not included here.

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