INTERIM GUIDELINES ON THE ACCREDITATION TO OPERATE ARRASTRE AND/OR STEVEDORING SERVICES AT PORT IRENE IN THE CAGAYAN SPECIAL ECONOMIC ZONE AND FREEPORT

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Pursuant to the provisions of Section 6 (c) and (d) of Republic Act No. 7922 otherwise known as the Cagayan Special Economic Zone Law of 1995 and Part II, Section 4 of CEZA Administrative Order No. 001, Series of 1998, the following guidelines are hereby prescribed in the accreditation of firms or business corporations to operate arrastre and/or stevedoring services in Port Irene:

Article I
Preliminary Provisions
Section 1. Title. These guidelines shall be known as "CEZA Administrative Order No. 001, Series of 1999."

Section 2. Declaration of Policy. CEZA shall authorize or undertake, on its own or through others, and regulate the establishment, operation and maintenance of services in the Cagayan Special Economic Zone and Freeport including arrastre and stevedoring services. Therefore, no business corporation or firm shall operate arrastre and/or stevedoring services at Port Irene unless in possession of a certificate of accreditation from the Cagayan Economic Zone Authority.

Section 3. Applicability. These guidelines shall apply to all duly constituted firms or business entities who intend to operate arrastre and/or stevedoring services at Port Irene.

Section 4. Definition of Terms. For the purpose of this Administrative Order, the terms used herein shall unless the context indicates otherwise, mean or be understood to mean, as follows:

- Arrastre Services shall refer to portside handling operations, e.g., receiving, handling, custody, security and delivery of cargo passing over the pier and stockpiling areas within the port.

- Stevedoring Services shall refer to all works on board vessel, i.e., the process or act of loading and unloading cargo, stowing inside hatches, compartments and on deck or open spaces on board vessel.

- CSEZFP shall refer to the Cagayan Special Economic Zone and Freeport defined in Section 3 of Republic Act 7922 as a separate customs territory covering the entire area embraced by the Municipality of Santa Ana and the islands of Fuga, Barit and Mabbag in the Municipality of Aparri, all in the province of Cagayan.

- CEZA shall refer to the Cagayan Economic Zone Authority a government corporate body established pursuant to RA 7922.

- PPA shall refer to the Philippine Ports Authority.

- Certificate of Accreditation shall refer to the certificate issued by CEZA evidencing the firms accreditation to operate arrastre and/or stevedoring services at Port Irene.

- Authority shall refer to the Cagayan Economic Zone Authority.

- Port User shall refer to any entity authorized by CEZA to use Port Irene to load and unload cargoes.

Article II
Guidelines
Section 5. Application. Arrastre and/or stevedoring firms intending to operate in Port Irene may apply at the following CEZA offices:

- Manila Office at 7th Floor Westar Building, 611 Shaw Boulevard, Pasig City, Philippines 1603

- Santa Ana Office at Centro Santa Ana, Cagayan, Philippines

Section 6. Application Requirements for Accreditation to Operate Arrastre and/or Stevedoring Services. The applicant for accreditation to operate non-exclusive arrastre and/or stevedoring services shall submit together with the prescribed application form the following:

- Certified true copies of relevant documentation of legal status of the arrastre and/or stevedoring (e.g. articles of incorporation and by-laws, partnership agreement, SEC license to do business and other similar documents);

- Corporation's Board Resolution or partnership authorization designating signatory to cargo handling contract/permit and all transactions to be undertaken in behalf of the company;

- Registration with Bureau of Internal Revenue, Social Security System and Bureau of Domestic Trade;

- Business (Mayor's) Permit and VAT Registration Certificate;

- List of existing equipment and gears and procurement program for additional equipment and gears;

- Specific area of operation in port facility;

- Estimated monthly cargo tonnage and cargo handling productivity rate commitment;

- Information on personnel/workers including SSS Number and rate of salaries;

- Present or previous PPA contract/permit and performance evaluation from PPA (if any);

- Complete Financial Statement for the last three years of operation including income Statement and Balance Sheet;

- Bank certification of credit line or cash deposit;

- A non-refundable processing fee of P2,000.00;

- Notarized statement of confirmation of intent (pro-forma copy attached as Annex "A"*); and

- Such other documents that the CEZA may require.

Section 7. Incomplete Application. If the application is found to be incomplete, CEZA shall return the same to the applicant within forty-eight (48) hours, specifying the deficiencies and remedies for completion. If the application is still incomplete after being returned by the applicant. CEZA will repeat the above procedure. If, however, the application is deemed incomplete after the third submission, CEZA may reject the same outright.

Section 8. Evaluation of Complete Application. Ali complete applications shall be reviewed based on the negative criteria described below:

- The operation is prohibited by the CEZA or the Philippine law or utilizes specifically prohibited inputs;

- The operation and equipment would have a serious detrimental effect on the environment;

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- The operation would have a destructive impact on the safety and security of the employee/s workers and the CSEZFP;

- The applicant has a known record of criminal activity, including previous Customs fraud or related convictions, which may be grounds for rejection depending on the severity; and

- Below average over-all performance of the applicant arrastre and/or stevedoring firm.

Section 9. Processing of Application. Should the application for accreditation merit approval, a Certificate of Accreditation (pro-forma copy attached as Annex "B"[*]) shall be issued by the Office of the Administrator within thirty (30) calendar days following the submission of all the required supporting documents. Liabilities, obligations and responsibilities of grantee shall be stipulated in the said certificate. In case of denial of the application, the applicant shall be notified within thirty (30) calendar days from the date of filing of application.

The Certificate of Accreditation shall be effective for a period of one (1) year from the date of issuance thereof and may be renewed subject to submission of documents referred to in paragraph b to n of Section 6 and subject further to negative criteria in Section 8. The Certificate of Accreditation shall be automatically revoked without further notice, upon turn over of Port Irene to the port concessionaire for the commencement of civil works pursuant to a Concession Agreement that may be entered into between CEZA and the port concessionaire.

Section 10. Withdrawal, Suspension or Cessation of Operations. When an accredited arrastre and/or stevedoring operator decides to withdraw, suspend, or cease its operation in the port, written notice thereof shall be sent to CEZA one (1) month prior to the implementation of action.

Section 11. Revocation, Suspension or Cancellation of Certificate of Accreditation. The Certificate of Accreditation issued by CEZA to arrastre and/or stevedoring operators may be revoked, suspended or cancelled on any of the following grounds:

- Failure to maintain and perform the obligations and responsibilities of accredited firm as required in the certificate;

- Violation of any provision of Philippine Laws and/or Republic Act 7922;

- Violation of the corresponding memoranda or circular for accredited arrastre and/or stevedoring operator; and.

- Expiration or violation of the conditions set forth in the Certificate of Accreditation.

Section 12. Accreditation of More Than One Arrastre and/or Stevedoring Operator (Non-Exclusivity)- The Authority may accredit more than one arrastre and/or stevedoring firm in order to provide better service to port users through healthy competition. Port users shall also have the opinion to contract with the operator of their choice among the accredited arrastre and/or stevedoring firms.

Section 13. Arrastre and Stevedoring Service Rates. All accredited arrastre and/or stevedoring firms shall follow a uniform rate on cargo handling in accordance with rates imposed by the CEZA. The schedule of rates shall be circulated among all accredited arrastre and stevedoring firms for their strict compliance.

Section 14. Issuance of Circular and Memorandum. After approval of this Order, CEZA shall formulate supplementary issuances which are necessary for the effective implementation of this Order.

Article III
Effectivity
Section 15. Effectivity. This Order shall take effect on 10 May 1999 and shall remain in force until such time that the management and operation of the port is turned over to the Port Concessionaire at which time, all licenses and

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permits issued by CEZA in accordance with these rules shall automatically cease to take effect. This Order should be published in at least one newspaper of general circulation prior to the effectivity date.

(SGD.) RODOLFO O. REYES
Administrator and Chief Executive Officer

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[*] Text Available at Office of the National Administrative Register, U.P. law Complex, Diliman, Quezon City.

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