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GUIDELINES ON THE ISSUANCE OF HOLD-OVER AUTHORITY (HOA) AND TEMPORARY PERMIT TO OPERATE (TPO) FOR CARGO HANDLING (CH) SERVICES

PPA MEMORANDUM ORDER NO. 03-95, April 12, 1995

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I

Authority

1.1 Part II, A.1 and A.2 of the Revised Delegation of Authority, approved per PPA Board Res. No. 1117 on April 25, 1990 as amended by PPA Board Res. No. 1312, passed on July 28, 1992.

1.2 Section 9 (a), (i) & (ii), Presidential Decree No. 857, as amended.

II

Purpose

To provide guidelines on the issuance of HOAs and TPOs by the Office of the Port Manager, District Manager, and General Manager.

III

Objective

To rationalize the issuance of HOAs/TPOs for expired or new CH contracts/permits.

IV

Scope/Application

This Order shall apply to CH services with expired contracts/permits and in the process of renewal and CH services for which a new operator contract/permit is still under process/evaluation/finalization.

V

Guidelines

5.1 On HOA Issuance. HOA is issued to expired CH contracts/permits in the process of renewal. It is issued, as follows:

> 5.1.1 When directed by the General Manager pending determination of the implementation of open competition of CH operators in a port.
>
> 5.1.2 By the Port Manager up to three (3) months period/term with respect to expired CH permit which is sought to be renewed. This authority of the Port Manager to issue the HOA shall be exercised only once.

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5.1.3 By the District Manager up to six (6) months period for expired CH contract which is sought to be renewed. This authority of the District Manager to issue the HOA shall be exercised only once.

5.1.4 By the General Manager in emergency cases or where the public intends so warrants, for HOA of not more than thirty (30) days for CH services with a proposed renewal contract of ten (10) years or more not approved in previous Board Meeting but due for submission in the next Board Meeting but due for submission in the next Board Meeting.

5.1.5 HOA shall not be issued to CH contractors/operators who, after having been given ample time to file and/or submit all documentary and other requirements pursuant to PPA Memorandum Circular No. 27-94, have unreasonably failed to do so.

5.1.6 Port Manager concerned shall issue a Notice of Expiration (Annex I) to CH operators whose Contract/Permit to Operate will expire within six (6) months.

5.2 On TPO Issuance. TPO is issued by the General Manager for a period not exceeding six (6) months for CH services which a new application for contract/permit is filed but pending evaluation/processing by the PDO/PMO concerned and/or approval by the PPA Board.

VI

Common Provisions

6.1 In either case of CH handling services granted/issued HOA and TPO, it shall be ensured by the PPA/Units concerned that covering application papers therefor shall be expeditiously processed in order that the contract/permit applied for, if already legally entitled thereto, can be issued by the proper PPA approving official.

6.2 HOA/TPOs issued by the PDOs/PMOs prior to the effectivity of this Order are recognized except those earlier excepted to by the General Manager.

VII

Repealing Clause

7.1 This Memorandum Order rescinds PPA Memorandum Circular No. 01-94 and amends, or modifies other PPA rules/regulations, issuances or part thereof, which are inconsistent herewith.

VIII

Effectivity Clause

This Order shall take effect immediately.

Adopted: 12 Apr. 1995

(SGD.) CARLOS L. AGUSTIN
General Manager

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