

POLICY ON CARGO HANDLING IN PRIVATE PORTS, PROVIDING GUIDELINES THEREFOR, AND OTHER RELATED MATTERS

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This Circular is being issued pursuant to Sec. 5 (a, b, c), 7 (b, j), Sec. 9 (a, g, k), and Sec. 21 of R.A. 7621 and to Board Resolution No. 168-97.

1

Declaration of Policy

It is the declared policy of the Authority to promote, enhance, and liberalize the cargo handling industry in private ports consistent with its objective to enhance the flow of international and domestic commerce passing through or utilizing the ports of Cebu. In this regard, the owner or operator of a private port or port facility shall have the option to operate on its own or to engage any cargo-handling operator of its choice, provided that said operator is accredited by the CPA.

2

Scope

This Circular shall govern applications for accreditation to operate cargo handling services in private ports, whether commercial or non-commercial, situated within the territorial jurisdiction of the Authority.

3

Purposes

3.1 To liberalize and streamline documentation, processing, and evaluation of applications for, and issuance of Accreditation to operate arrastre, stevedoring, portage and other related cargo handling services in private ports under the jurisdiction of the Authority.

3.2 To determine and ensure that the applicants for accreditation are managerially, operationally and financially capable and competent to render/operate the services.

Guidelines

The following guidelines shall govern the documentation, processing of application for and issuance of accreditation for cargo-handling in private ports:

4.1 Documentary Requirements

4.1.1 For New Applications

4.1.1.1 Articles of Incorporations/Cooperation or Partnership, By-Laws and Registration with the Securities and Exchange Commission (SEC) or the Cooperative Development Authority, and in case of sole proprietorship proof to that effect.

4.1.1.2 Registration with BIR, SSS, BDT, and VAT Registration Certificates.

4.1.1.3 CPA Certificate of Registration of Private Port.

4.1.1.4 Board Resolution from Private Port Owner or Operator endorsing the applicant to render cargo handling services for its cargo in its own port.

4.1.2. For Renewal of Accreditation

4.1.2.1. Updated Articles of Incorporations, By-Laws of Corporation, Cooperative or Partnership, Proof of substantial changes in the organization, if any.

4.1.2.2 BDT Registration if five (5) years term already expired.

4.1.2.3 SSS Official Receipt or Special Bank Receipt with SSS Form R-3 showing latest remittances, BIR receipts.

4.1.2.4 Proof of payment of Supervision Fee remitted for the previous accreditation period based on CPA Audit records.

4.1.2.4.1 Requirement 4.1.2.3. shall be presented on a monthly basis reckoned from the effectivity of the accreditation certified correct by the applicant and the correctness of the figures verified by the General Manager or his duly authorized representative with its own statistical data or CPA Audit Report.

5

Term of Accreditation

The accreditation shall be issued for a term of one (1) year renewable annually.

6

Supervision Fee

Any accredited cargo-handler operating within a private port shall remit to the Authority a supervision fee in the amount equivalent to three percent (3%) of their gross receipts, which shall be remitted to the Authority immediate after the completion of the loading and/or unloading of the cargo to and/or from the vessel.

7

Solidary Responsibility

The private port owner or operator and the accredited cargo handling operator shall have the joint and solidary responsibility of ensuring prompt payment of supervision fee at the rate imposed by the Authority.

8

Prohibitions, Violations

8.1 Prohibition against Assignment and Transfer of Accreditation — There shall be no assignment, subletting, mortgage, or transfer, direct or indirect of the Accreditation or any portion thereof, or any undertaking thereunder without the prior written approval of the Authority.

8.2 Prohibition against operation outside of private port area — The accreditation shall not be valid for cargo-handling services outside of the private port which endorsed and contracted the accredittee.

8.3 The private port owner or operator and/or the accredittee shall not alter, modify, or amend or revise their service contract without the prior written permission of the Authority.

8.4 No private port owner or operator or cargo-handling accredittee shall engage in the "cabotage system."

8.5 CPA officials and/or their representatives shall have visitorial powers over private ports, and private port owners or operators shall at all times allow access to said CPA officials or employees.

9

Penalty

The Authority may cancel the accreditation for any violation of the terms and conditions of the Accreditation or provisions of law, government rules and regulations.

10

Repealing Clause

All orders, rules and regulations, memoranda, circulars, or guidelines which are inconsistent herewith are hereby repealed or modified accordingly.

11

Effectivity

This Administrative Order shall take effect immediately.

Adopted: 26 June 1997

(SGD.) RAUL T. SANTOS

General Manager

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