NATIONAL ADMINISTRATIVE REGISTER · JANUARY 7, 1997

POLICY AND GUIDELINES ON THE GRANTING OF EXTENSION OF FREE STORAGE PERIOD (EFSP)

CPA MEMORANDUM CIRCULAR NO. 35-96, January 07, 1997

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Pursuant to Sec. 7 (b) and (i), Sec. 9 (a), (c) , (g), (k) of R.A. 7621, pertinent laws, rules and regulations, and Board Resolution No. 98-96 dated 20 December 1996 of the CPA Board of Commissioners the following policy and guidelines are hereby issued/prescribed:

SECTION 1. Statement of Policy — Except as otherwise provided herein, it is hereby the declared policy of the Authority that there shall be no extension of free storage period (EFSP).

SECTION 2. Extension of Free Storage Period When Allowed — An extension of free storage period (EFSP) may be granted by the General Manager in cases only of force majeure. So that after the lapse of the free storage period, the proper storage charges shall immediately be assessed and collected in accordance with existing rules and regulations. For purposes of this circular, force majeure shall be understood to mean any extraordinary occurrence or event which could not be foreseen, or which though foreseen, is inevitable, such as natural calamities, war, civil strife, floods, fire, riots, strikes, lock-outs, or other similar occurrences/calamities.
SECTION 3. Procedure for the Grant of Extension — Before the General Manager may grant the extension of free storage period for reasons of force majeure, the following must be compiled with:

a) The request for extension of the free storage period (EFSP) must be filed within the free storage period or within twenty-four (24) hours immediately thereafter.

b) The force majeure should occur during or immediately following the free storage period. The extension of the free storage period (EFSP) shall be limited only for the duration of the force majeure following the expiration of the free storage period.

c) Request for extension due to other causes shall not be given due course.

d) Request for extension of free storage period (EFSP) shall be processed at the Office of the General Manager of the Authority and shall be approved by the General Manager.

e) Cargoes/Shipments covered by the requests for extension of the free storage period (EFSP) which are disapproved by the General Manager shall not be released without prior payment of the corresponding storage charges. However, the owner/importer/exporters/shipper/consignee or their broker may pay said charges under protest to effect delivery thereof. The payment shall include storage charges up to the date of the actual delivery/release or loading of the cargoes/shipments.

f) The General Manager may allow partial delivery, in lieu of payment, where the shipment is divisible (disposable/marketable by units or parts); Provided, That, the value of the portion to be retained in the pier/port is sufficient to cover all the accrued storage charges including interests and penalties.

SECTION 4. Procedure in case of Payment Under Protest — In case of payment made under protest, the General Manager shall decide the protest within thirty (30) days from receipt thereof. In no case shall a protest be entertained without prior payment of the amount due. In case of an adverse decision of the General Manager, the

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aggrieved party may, within fifteen (15) days from receipt of the decision, appeal the said decision to the CPA Board of Commissioners. The Board of Commissioners shall decide the appeal within thirty (30) days from filing thereof. The decision of the Board of Commissioners shall become final and executory after thirty (30) days from receipt of the copy thereof unless the same is appealed to the Office of the President within said period.

SECTION 5. Decisions Adverse to the Government — Where the decision of the General Manager in a protest case is adverse to the government, the decision shall automatically be elevated for review to the CPA Board of Commissioners before the decision shall become effective; Provided, however, if within thirty (30) days from receipt of the records of the case by the Board of Commissioners, no decision is rendered, the decision shall be deemed to have been affirmed and the same shall become final and executory.

SECTION 6. Protest/Appeal Fees — To each protest against payment of storage charges and appeal from the denial of such protest, there shall be paid each the amount of P500.00 as protest or appeal fee and P100.00 as legal research fee.

SECTION 7. Reporting — A monthly report of all requests for extension of free storage period (EFSP) which were granted by the General Manager shall be submitted to the CPA Board of Commissioners during its regular meetings.

SECTION 8. Power of the General Manager — The General Manager may issue such order as may be necessary to implement the administrative details on the matter of protest.

SECTION 9. Repealing Clause — All administrative orders, memorandum circulars/orders and rules and regulations adopted and/or issued by the Authority inconsistent herewith are hereby repealed or modified accordingly.

SECTION 10. Effectivity — This Memorandum Circular shall take effect after fifteen (15) days from publication hereof in a newspaper of general decision.

(SGD.) RAUL T. SANTOS
General Manager

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