

REGULATIONS ON COMPULSORY TUG ASSISTANCE AT THE BASEPORT OF OZAMIS

PPA ADMINISTRATIVE ORDER NO. 07-97, August 25, 1997

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1. AUTHORITY

1.1 Section 6(a) (ii), (iii), (v), and 20 of P.D. 857

1.2 Section 12 of PPA AO No. 03-85

2. SCOPE — This Order shall cover all foreign and domestic vessels with 500 gross registered tonnage and above which dock/undock at the baseport of Ozamis.

3. OBJECTIVE — To protect government port facilities and to ensure the safe maneuvering of vessels at the baseport of Ozamis through the use of tugs.

4. GUIDELINES

4.1. Responsibility for Ensuring Availability of Tug Assistance — The Authority (PPA) shall provide tug assistance service by authorizing shipping companies or private entities to provide such service on a non-exclusive basis.

4.2. Permit to Operate Tug Assistance — No operator shall provide assistance within the harbor limits unless in possession of an annual permit duly issued by the Authority, subject to such terms and conditions as it may deem proper, in addition to the requirements of other agencies. The tugboat operator shall provide the equipment needed to render efficient service.

Tugboats towing barges/lighters are exempted from the above required annual permit when utilized solely for their own barges/lighters. Otherwise, the above permit is required when servicing the other vessels for purposes of this regulation.

4.3 Table of Tug Requirements — Tug assistance requirements shall be determined on the basis of the gross registered tons (GRT) of the vessels and capacity (horsepower-HP) of the tugs in accordance with the following specifications:

Vessel Tonnage

Tugboat Capacity

500— 1,500 GRT

300 HP tug or equivalent

1,501 —3,000 GRT

500 HP tug or equivalent

3,001 — 10,000 GRT

700 HP tug or equivalent

10,001 — 15,000 GRT

1,000 HP tug or equivalent

15,001 — GRT and above

1,500 HP tug or equivalent

In the absence or insufficiency of tugboats, a combination of motor launches to comprise a combined HP capacity equivalent to the required tugs may be allowed. Provided, however, that vessels with both functional bow and stern side thrusters of sufficient capacity are exempted from the above tug requirement. Vessels with functional bow thrusters only are required to have fifty (50%) percent of the above tug horsepower requirements.

In no case shall any vessel of 500 GRT and above be allowed to dock/undock at the baseport of Ozamis without the above-specified tug assistance. For other ports within the jurisdiction of PMO-Ozamis, the same tugboat horsepower requirement shall be followed when any of the conditions provided for in Section 12 (c) of PPA AO No. 03-85 necessitating compulsory tug assistance is present.

Non-propelled vessels such as barges/lighters are likewise exempted from the above requirement. However, they are still required to maintain their own tugboats while at berth in accordance with PPA Memorandum Circular No. 22-86.

4.4 Rates for Tug Services — Consistent with existing applicable laws, the Authority shall prescribe fees and rates for tug assistance in consultation with port users concerned. In the absence of applicable fees, the rates chargeable shall be those that are agreed upon between the shipping company and the tugboat operator. In case of disagreement between them, the Authority shall determine the rates.

4.5 Liability for Damages to Port Facilities — Any damage caused to port facilities by vessels under tug assistance service shall be the liability of the party/parties declared at fault, as determined under existing applicable laws.

5. SEPARABILITY CLAUSE — If for any reason, any section or part of this Order is declared unconstitutional or invalid by competent Authority, the declared or invalid section or part thereof shall not affect the other sections or parts to which such declaration or nullity does not apply or relate.

6. REPEALING CLAUSE — All PPA orders which are inconsistent herewith are hereby repealed or amended accordingly.

7. EFFECTIVITY — This Order shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

Adopted: 25 Aug. 1997

(SGD.) CARLOS L. AGUSTIN

General Manager

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