

AMENDMENT TO SECTION 5.01 AND 5.02 (ARTICLE V) OF A.O. 03-98 (POLICY GUIDELINES AND GENERAL CONDITIONS FOR THE MANAGEMENT AND OPERATION OF CARGO HANDLING SERVICES)

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cc86b742214c/>

For the purpose of affording a prompt, fair, and reasonable settlement for lost or damaged cargoes, this Administrative Order amending in part Sections 5.01 and 5.02 (Article V) of CPA Administrative Order No. 03-98 is hereby promulgated as follows:

Article V

Claims and Liability for Losses and Damages

Section 5.01. Responsibility and Liability for Losses and Damages; Exceptions -The CHSP shall at its own expense handle all merchandise in all work undertaken by it diligently and in a skillful, workman-like and efficient manner.

The CHSP shall be solely responsible as an independent contractor/operator and shall promptly pay to the shipping company, consignees, consignors or other interested party or parties for the loss, damage, or non-delivery of cargoes to the extent of the actual invoice or declared value per bill of lading, whichever is lower, for each package unless the value of the cargo importation is otherwise specified or manifested or communicated in writing and supported by a certified packing list to the CHSP by the interested party or parties before the discharge or loading from/onto, the vessel of the goods.

For the payment of any of the above claims for loss or damage however, a formal claim together with the necessary copies of Bill of Lading, Invoices, Certified Packing List and computation arrived at covering the loss, injury or damage or non-delivery of such goods shall be filed with the CHSP within fifteen (15) days from the date of issuance by the CHSP of a certificate of nondelivery, loss or damage. If the CHSP however fails to issue such certification within fifteen (15) days from the receipt of a written request by the shipper/consignee or his duly authorized representative or any interested party, said certification shall be deemed to have been issued, and thereafter, the fifteen (15) day period within which to file the claim commences. The request for certification for non-delivery, loss or damage should be made within thirty (30) days from the date of delivery of the last package to the consignee. Failure to comply with herein conditions precedent shall bar any action for the recovery of loss or damage against the CHSP.

The CHSP however shall not be responsible for the condition of the contents of any package received, nor for the weight thereof, nor for any loss, injury or damage to the said cargo before or while the goods are under the custody and control of the CHSP in the piers, sheds, warehouse or facility, if the loss, injury or damage is caused by force majeure or other causes beyond the CHSP's control or capacity.

The CHSP shall be responsible for any and all injury or damage that may arise on account of the negligence or carelessness of the CHSP, its agent or employees in the performance of the undertaking under its Contract/Permit/Accreditation, subject however to defenses allowed to the same under herein rules and other laws. The CHSP shall hold the authority free at all times from any claim of third persons in connection with its operations as a cargo handling service provider.

Section 5.02 Payment of Claims; Disputes and Resources - While a shipping company or carrier shall be

required to respond to any consignee(s) or other interested party for loss, damage or destruction of cargo suffered while in the possession of the CHSP and under its control, the CHSP shall make prompt payment to such shipping company or carrier or its agent, of all claims for which it is determined that the CHSP is liable in accordance with herein rules and related laws thereon and in conformity with the provisions of the Bill of lading and/or other documents of probative value.

All claims for losses and/or damages to the cargoes shall be paid by the CHSP within fifteen (15) days from the date of formal filing of the same provided that all documents and supporting papers are complete and available. In case, there is a dispute arising from claims for lost or damaged cargoes, the concerned parties may agree between or among themselves to jointly submit the dispute to the AUTHORITY for the determination thereof in the first instance. In the settlement of the dispute, the AUTHORITY shall consider all clauses and exceptions to the carriers' bill or bills of lading where these may be relevant or applicable.

Repealing Clause - All orders, memoranda and other issuance adopted/issued by the Authority inconsistent with the provisions of this order are hereby repealed or amended accordingly.

Effectivity - This Administrative Order shall take effect upon the lapse of fifteen (15) days from publication hereto in a newspaper of general circulation.

APPROVED.

Adopted: 07 July 2006

(SGD.) MARIANO C.J. MARTINEZ

General Manager

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.