

GUIDELINES ON THE PROPER DISPOSITION OF SEIZED, DETAINED OR FORFEITED VESSELS BERTHED AT PPA-MANAGED PORTS

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Adopted: 24 January 2014

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1. AUTHORITY

1.1 Sections 6-a (ii), (vi), (x), 26 and 28 of PD 857, as amended

1.2 Article IV, Section 29 of PPA AO. No. 13-77 entitled “General Port Regulations of the Philippine Ports Authority

2. SCOPE

This Order shall cover all vessels that are subject of seizure, detention, and/or forfeiture by an authorized government entity utilizing the berthing facilities of ports under the jurisdiction of PPA.

3. OBJECTIVES

3.1

To ensure the safety of all persons inside the port premises, including passengers of vessels, especially during its arrival or departure or during embarkation or disembarkation operations;

3.2

To ensure the safety of vessels and port facilities within the jurisdiction of PPA;

3.3

To optimize the utilization of berths and quay-side facilities and back-up areas of PPA-managed ports.

4. GENERAL GUIDELINES

4.1

As a matter of policy, the allocation of a berth belonging to or operated by the Authority shall be at the Authority’s discretion.

4.2

No seized/detained/forfeited vessel shall be berthed or unberthed alongside a wharf or pier belonging to or operated by the Authority without its permission or contrary to its directives, nor shall said vessel occupy a berth other than its assigned berth.

5. SPECIFIC GUIDELINES

The following procedural steps shall be followed by all concerned parties in the movement of a vessel which has been the subject of seizure, detention, and/or forfeiture by an authorized government entity:

5.1

The Port Manager shall notify in writing the authorized government entity in actual or constructive possession of such vessel, within thirty (30) days from receipt of Advice/Notification of Seizure citing the need for said vessel to be moved out of its existing berth to an available anchorage area;

5.2

The Master/owner /agent of the seized or detained vessel shall be notified by the Port Manager of the vessel's shifting order with the advice to settle accrued vessel charges prior to effectivity of the seizure order, including interest and penalties, if any;

5.3

If a seized vessel is unable to move out when so required by the Authority, the same shall be, or caused to be moved out in any appropriate or environmentally sound manner without further notice to the owner, provided that all the expenses to be incurred by the Authority shall be borne by the owner/agent of said vessel;

5.4

If, within fifteen (15) days after the notification, no owner or agent can be found or appears before the Port Manager and the vessel has been declared the property forfeited in favor of the government, the PMO shall make proper representation with the authorized government arresting agency for the payment of port charges due to PPA once sold at auction or disposed of in accordance with law.

6. REPEALING CLAUSE

All PPA issuances and policies or parts thereof inconsistent with or contrary to any of the provisions of this Order are hereby modified or repealed accordingly.

7. SEPARABILITY CLAUSE

Any provision or portion of this Order declared by competent authority as invalid shall not affect its other parts or provisions to which the declaration does not relate.

8. EFFECTIVITY

This Order shall take effect fifteen (15) days after its publication in the official gazette or in any newspaper of general circulation.

(SGD) JUAN C. STA. ANA
General Manager

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