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# AMENDMENTS TO A.O. 02-97 (LIBERALIZED REGULATIONS ON THE DEVELOPMENT/CONSTRUCTION AND OPERATION OF PRIVATE PORTS)

*ADMINISTRATIVE ORDER NO. 03-97, November 07, 1997*

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Pursuant to R.A. 7621 and in order to facilitate the evaluation and/or grant of Permit to Develop/Construct a private port facility, this Administrative Order is hereby promulgated as follows:

SECTION 1. Amendment of Section 5 of A.O. 02-97 — The following provision of CPA Administrative Order No. 02-97 dated 11 July 1997, which reads:

"Section 5. Clearance to Develop/Construct a Private Port Facility

5.1 Upon issuance by the DENR of an Environmental Clearance Certificate (ECC), the private port investor or owner shall file his formal letter of intent, in duplicate copies, with the Committee designated by the CPA Board of Commissioners (the "Committee") through the Engineering Services Division (ESD) together with additional requirements as contained in Annex 1 herein incorporated and all his construction and building plans with duly accomplished application for Permit to Develop/Construct (Annex 2);

5.2 Upon receipt of the completed documents, the ESD shall, within sixty (60) days evaluate the plans and documents and endorse the application for validation by the Committee;

5.3 The Committee shall determine, within one (1) week from date of ESD endorsement whether or not national security or safety is affected and once validated, the Committee shall submit the said documents for issuance of a permit to develop/construct by the General Manager;

5.4 The General Manager shall issue the permit to develop/construct upon payment of the permit to develop/construct fee in accordance with the following graduated fixed fees plus 10% VAT, to wit:

Project Cost Permit to Construct Fee

Below P 10M P 20,000

P 10M & above P 20,000 plus .001 (1/10 of 1% of the excess of P 10 million but not to exceed P 150,000.00)

Provided, that, in case the actual cost is more than the project cost, the permittee shall be liable to pay for the difference.

5.5 In case of denial of the proposal, the Office of the General Manager shall inform the applicant of such fact and the reasons therefor.

5.6 In all cases and at any stage of the application, there shall be no processing on applications of persons or entities with unpaid or unsettled obligations or liability to the Authority."

shall be amended to read, as follows:

"Section 5. Application for Permit to Develop, Permit to Develop & Construct, or Permit to Construct a



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Private Port Facility

5.1 For Permit to Develop — The applicant shall file a letter of intent, in duplicate copies, with the Committee designated by the CPA Board of Commissioners (the "Committee") specifying the exact location of the foreshore area, area size in square meters, intended use/purpose of the facility proposed, contract term/duration, proposed structure to be put up, and estimated cost of improvements together with the other additional requirements as contained in Annex 1.

5.2. For Permit to Develop & Construct or Permit to Construct — Upon the issuance by the DENR of an Environmental Clearance Certificate (ECC), the private port investor or owner shall file his formal letter of intent, in duplicate copies, with the Committee, together with additional requirements as contained in Annex 1 (if not yet submitted) herein incorporated and all his construction and building plans with duly accomplished application for Permit to Develop & Construct or Permit to Construct (Annex 2);

5.3. Upon receipt of the completed documents, the Committee shall indorse the same to the ESD which shall, within thirty (30) days in case of application for Permit to Develop, and sixty (60) days in case of application for Permit to Develop and Construct or Permit to Construct, evaluate the plans and documents and return the application to the Committee for validation;

5.4. The Committee shall determine, within one (1) week from date of ESD endorsement whether or not national security or safety is affected and once validated, the Committee shall submit the said documents for issuance of a Permit to Develop, Permit to Develop & Construct, or Permit to Construct, as the case may be, by the General Manager;

5.5. The General Manager shall issue the Permit to Develop, or Permit to Develop & Construct, or Permit to Construct, upon payment of the permit fee in accordance with the following graduated fixed fees plus 10% VAT, to wit:

5.5.1 Permit to Develop P 1,000.00

5.5.2 Permit to Develop & Construct or Permit to Construct

Project Cost Permit Fee

Below P10M P 20,000

P 10M & above P 20,000 plus .001 (1/10 of 1% of the excess of P 10 million but not to exceed P 150,000.00)

Provided, that, in case the actual cost is more than the project cost, the permittee shall be liable to pay for the difference.

5.6 In case of denial of the proposal, the Office of the General Manager shall inform the applicant of such fact and the reasons therefor.

5.7 In all cases and at any stage of the application, there shall be no processing on applications of persons or entities with unpaid or unsettled obligations or liability to the Authority.

5.8. A grantee of a Permit to Develop or Permit to Develop and Construct, or Permit to Construct, shall commence work on the project within one (1) year from date of issuance of the permit. Otherwise, the same shall be of no further force and effect, unless renewed or extended by the Authority upon written request of the grantee on justifiable grounds.

SECTION 2. Repealing Clause — All orders, memoranda and other issuances adopted/issued by the Authority inconsistent with the provisions of this order are hereby repealed or amended accordingly.

SECTION 3. Effectivity — This Administrative Order shall take effect immediately.


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Adopted: 07 Nov. 1997

(SGD.) RAUL T. SANTOS
General Manager

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