CPA GENERAL PORT RULES AND REGULATIONS (GPRR)

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Pursuant to Sections 7, 9, and 21 of R.A. 7621 (The Charter of Cebu Port Authority) approved on 26 June 1992 and in relation to Executive Order No. 292 (Revised Administrative Code of the Philippines), and Board Resolution No. 62-2000, dated 26 May 2000, the following port rules and regulations are hereby prescribed for the guidance and compliance by all port users and others concerned in all ports and port facilities or any other premises or places within the territorial jurisdiction of the Authority, to wit:

ARTICLE I
Title and Definition of Terms

SECTION 1. Title — These Regulations shall be known as the "CPA GENERAL PORT RULES AND REGULATIONS (CPA GPRR)"

SECTION 2. Definition of Terms — For purposes of these Regulations, the terms used herein shall, unless the context indicates otherwise, mean or be understood to mean, as follows:

a. "Ad valorem rate" means rate based upon the value of the goods.

b. "Anchorage" means any place with sufficient depth of water where vessels anchor or may ride at anchor within the harbor.

c. "Approaches" means the water area within the vicinity of a port entrance or port through which vessels navigate to seek shelter or to enter a port.

d. "Authority" means the Cebu Port Authority created pursuant to R.A. 7621.

e. "Bad Order Container" means container that is physically damaged which may allow exposure of cargoes to adverse conditions, natural elements, and pilferage.

f. "Baseport" means the port facilities located in Cebu City, which includes the five (5) management offices (MOs) found therein.

g. "Basin" means any naturally or artificially enclosed or nearly enclosed body of water in free communication with the sea.

h. "Berth" means the part of the pier/wharf that is occupied by a vessel, or a place where a vessel may tie up.

i. "Berthing" means the maneuvering of a vessel from the anchorage or pilot station to a berth, including the action to make fast the vessel alongside.

j. "Bill of Lading" means the written contract of carriage of goods whereby the common carrier for a consideration agrees to deliver on behalf of the consignor of goods to the consignee at a specified time. It likewise operates as a receipt.

k. "Bollard" means a strong post of metal or wood attached to the ship's deck or on a wharf/pier for holding fast a hawser.

l. "Bow" means the extreme forward end of a vessel.

m. “Bulkhead” means any structure serving to divide land and water areas.

n. “Buoy” means floating object serving as a navigational aid moored to the bottom to mark a channel, anchor, shoal, rock, wrecks, hazards to navigation, etc.

o. “Cargo Arrastre Receipt” (CAR) means the receipt issued by the cargo handler to the shippers which specifies the type, measure, weight, and other relevant data pertaining to the cargo covered thereby.

p. “Cargo-handling Service Provider” means any person or entity which is engaged in the activity of rendering cargo handling services.

q. “Channel” means a natural or artificial waterway of perceptible extent which either periodically or continuously contains moving water or which forms a connecting link between two bodies of water; or part of a body of water deep enough to be used for navigation through the area otherwise too low for navigation.

r. “Chassis” means an equipment used to carry containers from one place to another under the two by prime movers or tractors.

s. “Containerized/Container Cargoes” means cargo packed in containers for easy handling or transporting as a unit.

t. “Container Freight Station” means normally a warehouse or a transit shed adjacent to the Container Yard (CY) used for sorting and a storage of container cargo both for import and export.

u. “Container Tally Sheet” means cargo receipt issued by the ship’s checker or agent and acknowledged by the arrastre’s checker as evidence of receipt of containers. It indicates among others, the physical condition of the container.

v. “Container Terminal” means a port facility designed to provide an integrated use of berthing facilities for containership and harbor transport system for containers and their contents.

w. “Container Yard” means a designated area in a Container Terminal usually adjacent to the Marshaling Yard (MY) where containers and chassis are received, stacked and dispatched.

x. “Dock” includes locks, cuts, entrances, graving docks, inclined planes, slipways, quays, and other works related thereto.

y. “Dolphin” means a buoy or spar used in mooring a boat.

z. “Draft” means the depth/level of the vessel below the water line, measured vertically from effect repairs to hull and keels part of the hull.

aa. “Dry-dock” means a dock from which the water can be temporarily excluded, in order to effect repairs to hull and keels of ships or vessels.

bb. “Dues” includes harbor fees, tonnage and wharfage dues, berthing charges, and port dues and any other dues or fees imposed by virtue of existing laws.

cc. “Dunnage” means any material used to prop, lash, or lay under to protect and secure cargo from damage or contamination.

dd. “Excreta” means waste matter excreted from the body, as sweat, urine or feces.

ee. “Fender” means part of a pad or cushion of rope, wood, rubber, etc. hung over a ship’s side to protect it when docking or when lying alongside another vessel, or placed on a berthing facility to protect the same from damage when a vessel docks.

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ff. “Filth” means a foul dirt or disgusting matter.

gg. “Full Container Load” means a container loaded with cargoes belonging to a single consignee and/or covered by only one Bill of Lading.

hh. “General Manager” shall refer to the general manager of the Cebu Port Authority.

ii. “Goods” includes wares and merchandise of every description.

jj. “Harbor” means a protected part of the sea, lake or other body of water used by vessels as a place of safety.

kk. “Hatch” means an opening in ship’s deck through which cargo can be lowered.

ll. “Heavy Lift Cargo” refers to a very large and heavy single unit cargo, usually large heavy equipment the minimum of which is 5,000 kilograms (5 tons) and which is usually discharged or loaded by a heavy lifting derrick, crane or boom. Examples of these are: locomotives, bulldozers, graders, payloaders, transit mixers, and the like.

mm. “Length Over All” means the length of the vessel between the extreme end of the bow and the extreme end of the stern.

oo. “Less Container Load” means a container loaded with cargoes belonging to more than one consignee or covered by more than one bill of landing.

pp. “Lighter” means any large flat-bottomed boat or barge used in transporting goods, or in loading or unloading of vessels not lying alongside piers or wharves.

pp. “Marshalling Yard” means a place where containers are stacked and arranged according to the sequence of withdrawal to consignee or transferred to CY-CFS or CY inside Port/Custom Zone. It is also where the containers are arranged prior to loading to a carrying vessel in accordance with the sequence of loading on the storage plan.

qq. “Moor” means to secure a vessel alongside the berth by means of mooring ropes.

rr. “Municipal Port” is one constructed and maintained by a city or municipality out of its own funds.

ss. “Nuisance per accidens” means a nuisance under certain circumstances like a factory emitting smoke in a residential district. This cannot be abated without judicial determination of the circumstances constituting as nuisance.

tt. “Nuisance Per Se” means a nuisance which affects the immediate safety of persons and property and may be summarily abated without need of judicial determination. Example of this: Occupation by private individuals of sidewalks and other public places devoted for public use.

uu. “Outports” means ports or port facilities which are located within a subport.

vv. “Pier” includes any stage, stair, landing stage, jetty, floating barge, and any bridge or other works connected therewith.

ww. “Port” means a place where ships may anchor or tie up for the purpose of shelter, repair, loading or discharge of cargo, or for other such activities connected with water-borne commerce, and including all the land water areas and the structures, equipment and facilities related to those functions.

xx. “Port Facility” shall include wharves, piers, slips, docks, bulkheads, basins, warehouses, cold storage, loading and unloading equipment and passenger terminals and accessories.

yy. “Private Ports” refers to ports or port facilities constructed and owned by private individuals or entities.

zz. “Rates” includes tolls, fees, dues and rent imposed by the Authority.

i. ”Refuse” means anything thrown away or rejected as worthless, waste, thrash.

ii. “Rigging” means the entire cordage system of a vessel.

iii. “Rubbish” means also waste, thrash.

iv. “Soot” means black substance consisting chiefly of carbon particles formed by the incomplete combustion of burning matter.

v. “Stern” means the extreme after end of a vessel.

vi. “Stripping” means unloading goods from a container.

vii. “Stuffing” means loading to a container.

viii. “Subport” refers to a management office located outside of the baseport. This includes the outports that are within the area of its responsibility.

ix. “Transit Shed” means a building or shed which is situated at or near a quay, wharf or pier, and is used for the temporary or short-term storage of goods in transit, or to be shipped or discharged from a vessel.

x. “Trimming” means the balancing of a vessel by shifting cargo, etc.

xi. “Vermin” means any troublesome, filthy or destructive animals.

xii. “Vehicle” includes any carriage traveling on its own wheels or runners and used or intended to be used for the conveyance or carrying of persons, animals or goods.

xiv. “Warehouse” means any building for storage or shed for cargo.

xv. “Wharf” means a continuous structure built parallel to or along the margin of the sea or alongside river banks, canals, or waterways where vessels may lie alongside to receive or discharge cargo, embark or disembark passengers, or lie at rest.

xvi. “Winchman” means the one who operates a lifting machinery or device on the deck of a ship to hoist or lower cargo.

SECTION 3. Abbreviations — The following abbreviations used in these Regulations shall represent the terms indicated:

1. Ad/Val. — Ad Valorem
2. B/L — Bill of Lading
3. BO — Bad Order Container/Cargo
4. BOC — Bureau of Customs
5. CFS — Container Freight Station
6. CHSP — Cargo-handling Service Provider
7. Cm — Centimeter
8. CPA — Cebu Port Authority
9. CPC — Cebu Port Commission
10. CTS — Container Tally Sheet
11. CY — Container Yard
12. DOTC — Department of Transportation and Communications
13. ETA — Expected Time of Arrival
14. ETD — Expected Time of Departure

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15. FCL — Full Container Load
16. GRT — Gross Registered Tonnage
17. ICCO — Integrated Container Control Office
18. ICM — Inward Cargo Manifest
19. ICR — International Collision Regulations
20. IMCO — Intergovernmental Maritime Consultative Organization
21. LCL — Less Container Yard
22. MY — Marshalling Yard
23. NRT — Net Registered Tonnage
24. OCM — Outward Cargo Manifest
25. PCG — Philippine Coast Guard
26. PPA — Philippine Ports Authority
27. TEU — Twenty Equivalent Units

ARTICLE II
Arrivals and Departures

SECTION 1. Notice of Arrival — The owner or agent of every vessel intending to call at port, whether private or public, which is within the jurisdiction of the Authority shall, within the time specified in Section 1, Article IV (Berthing Regulations) of these Regulations, prior to the ETA give notice in writing to the Authority of its arrival, and make application for a berth if it is intended to berth at the wharf, pier, or anchorage within the Port or harbor limits. In addition, the master of the vessel shall contact the CPA by radio or other means sufficient to convey the message. For domestic vessels, the shipowner or agent shall show proof that such vessel is possessed of a valid MARINA authority either in the form of a Certificate of Public Convenience (CPC), Provisional Authority (PA), or Special Permit (SP) as a condition precedent to the issuance of berthing permit.

SECTION 2. Particulars to be furnished — The notice of arrival and the Application for a Berth shall be in a form prescribed by the Authority and shall contain full particulars regarding:

a. Name of vessel and its flag;
b. The GRT;
c. Draft, Length Over All, and beam;
d. Names of the Owner, Master, ship’s agent in the port of call;’
e. ETA and ETD of vessel;
f. Tonnage of cargo to be discharged and loaded;
g. Dangerous cargo (whether to be discharged or not);
h. Number of passengers, disembarking and embarking;
i. Any other pertinent information relating to the working (e.g. heavy lifts) or safety of the vessel in the port.

SECTION 3. Hoisting of National Colors — The Master of every vessel entering or leaving a port between sunrise and sunset shall cause to be hoisted its national colors and signal letters, if any. The national colors shall continue to be exhibited while the vessel remains in port.

SECTION 4. Immigration and Quarantine Signals —

a. The Master of every vessel arriving from a foreign port shall exhibit the Customs, Immigration and Quarantine signals as prescribed by these government agencies. Such signals shall remain hoisted until the proper officer has given the permission to lower those signals.

b. No vessel other than an authorized vessel shall approach within 200 meters to a vessel which is exhibiting the Immigration, Health, or Customs signals. An authorized vessel shall mean an Immigration, Health, Customs, Pilot Launch, PCG Vessel, or CPA vessel.

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c. No person other than a pilot or authorized government officer(s) or duly authorized agents may board or disembark from any vessel coming from a foreign port until the vessel is cleared by the Immigration, Quarantine, Customs and the respective signals have been lowered.

SECTION 5. Securing of Vessel before Discharge/Loading — Every vessel entering a port shall be anchored or properly secured to a wharf, pier, or buoy before commencing the loading or discharging of cargo, and/or the embarkation or disembarkation of passengers.

SECTION 6. Port Clearance — No vessel shall leave a port unless possessed of a valid CPA Port Clearance issued by, or in behalf of, the Authority, in addition to the clearance(s) of other government agencies, like PCG clearance as to compliance of Safety of Life at Sea (SOLAS) requirements. A foreign vessel, or a domestic vessel which does not regularly call at the Port of Cebu, which has caused damage to CPA port facilities shall not be granted clearance until after investigation of the incident has been conducted by CPA or a sufficient cash or surety bond acceptable to the Authority equivalent to the estimated amount of the damage is put up by the vessel owner or its agent. A domestic vessel which regularly calls at the Port of Cebu which has caused damage to CPA port facilities shall likewise not be granted clearance unless the incident is already recorded for investigation by the Authority and the owner or agent of the vessel executes an undertaking in a form prescribed by the Authority that it shall abide with the findings of the Authority. Provided further that a vessel which has unpaid accounts with the Authority may be refused clearance until such accounts are paid or settled.

ARTICLE III
Shipping Operations and Movements

SECTION 1. Compliance with Instructions — The Master of every vessel shall comply with the instructions or directions given by the Authority and/or its duly authorized officers relative to the berthing, mooring, and anchoring of the vessel.

SECTION 2. Collision Regulations — Every vessel navigating or lying at anchor in a port or harbor limits shall exhibit the respective lights and shapes prescribed in the ICR.

SECTION 3. Moderate Speed — Every vessel under way for berthing or leaving the port shall proceed with due caution and at a moderate speed. A moderate speed shall mean a speed at which a vessel could be slowed down and stopped in a short time as possible with due regard to prevailing conditions and of its safety, as well as the safety of its passengers and other vessels in the area. High Speed Crafts (HSC) as defined under MARINA Rules and Regulations shall observe maximum docking or berth impact speeds to avoid causing nuisance in the harbor or other confined areas and avoid damage to the port and/or other vessels; provided finally that vessels or HSCS shall not race each other in any event, time, and place.

SECTION 4. Damage Caused by Wash — Any vessel causing damage by her wash shall be held responsible for such damage in the absence of any contributory negligence on the part of the owner or person in charge of the property or vessel so damaged.

SECTION 5. Harbor Crafts —

a. All harbor crafts shall observe such sea lane(s) as may have been allocated them by the Authority and/or by other government agency and shall not cross the bows or otherwise impede the movement of any seagoing vessel underway in any port or harbor limit and shall give such vessel as wide a berth as possible.

b. Nothing in these Regulations shall relieve the Master of a seagoing vessel from his duty to prevent a collision or accident, whenever and wherever possible.

SECTION 6. Anchorage —

a. Special Quarantine, Explosives, Dangerous Goods, Prohibited Anchorages, and Prohibited Areas shall be those defined or delimited by proper government agencies for the respective port or harbor limit. For this purpose the Authority, through the General Manager or his authorized representative at all ports, including terminal ports within the territorial jurisdiction of the Authority, shall issue a chart of the port indicating therein the various anchorage or prohibited areas in coordination with those agencies.

b. No vessel shall anchor or moor in any prohibited anchorage nor use an anchor in that area except for the purpose of assisting in berthing alongside or unberthing.

c. No vessel shall anchor in, or use an anchorage, other than for the purpose for which the anchorage is designated or intended.

d. No vessel shall anchor, berth, moor or lie:

i. in the approaches to a port;
ii. in any principal fairway;
iii. in such a manner as to obstruct the approach to an anchorage or pier/wharf used by other vessels;
iv. in a cable reserve area, or in any special anchorage indicated in the chart of the port except for the purpose specified;
v. in a position which is likely to foul a vessel which is anchored, moored, or made fast on a buoy.

SECTION 7. Laid-Up Vessels —

a. The person in charge of a laid up vessel shall insure that such vessel is securely anchored or moored in a position directed by the Authority so as to prevent its swinging outside such limits and clear of all other vessels during any condition of wind and tide.

b. Every laid up vessel shall have at all times on board a sufficient number of men competent to tend the anchor, lights, veer, cable, let-go an anchor, as well as to take necessary action in case of emergency or necessity.

c. Vessels found violating pars. (a) or (b) hereof shall be deemed to be abandoned and subject to forfeiture by CPA subject to compliance of due process requirements.

SECTION 8. Oil, Spirit, Etc. — No oil, spirit, or inflammable liquid shall be pumped or discharged from a vessel to any place of land, or into the sea. Neither shall vessels dump or cause to spread crude oil, kerosene or gasoline in the bay, at the piers and/or within three miles from the nearest coastline.

SECTION 9. Transfer of Dangerous Cargo — Without the written permission of the Authority and previous clearance of the BOC and such other clearance required by other government agencies, no transfer of dangerous import/export cargo shall be carried out either between two (2) vessels anchored in a port, or in the approaches to a port, or between one vessel lying alongside a pier or wharf and another vessel lying alongside the former vessel. In the case of domestic cargo, the Authority's permit is necessary, and such other permits as may be required by proper authority.

The term "dangerous cargo" as used in this Section means any solid, gas, or liquid which is obnoxious, corrosive, inflammable or which exhibits dangerous properties that likely endangers the safety of the vessel(s), its cargo and/or passengers, or physical port facilities.

In determining the propriety of such transfer, the Authority shall see to it that the process would not likely endanger life and property and shall require the vessels concerned to provide the necessary precaution therefor; provided, however, that the Authority shall not be responsible for any damage or injury that may arise from the transfer operation.

SECTION 10. Logs and Lumber —

a. Unless with written permission of the Authority, no logs, lumber, or timber shall lie afloat unattended within the limits of any port/harbor, except alongside a vessel loading such logs, lumber, or timber or within a properly constructed log structure approved by the Authority.

b. Every log enclosure shall:

i. be situated clear in all wharves/piers, mooring buoys, special anchorage, harbor channel, and the approaches.

ii. consist of at least 15 cm (6 inches) diameter piles driven securely at intervals of not more than 15 meters (50 ft.) with a boom of floating logs between them securely attached to each vertical pile wire or chain cable or such other suitable scheme or method approved by the Authority, and the PCG/Bureau of Forestry/DENR, if required.

iii. be subject to inspection by the Authority to determine that the log enclosure is properly secured and maintained by the operator to prevent the logs placed therein from being scattered and strayed.

c. Any log or raft found adrift or beached within the limits of any port/harbor, except in cases provided under subparagraph b), above, may, after proper notice, be impounded by the Authority for proper disposition.

SECTION 11. Rafts —

a. No raft of logs or timber shall exceed 200 meters in length or 18 meters in breadth without the permission of the Authority.

b. Should it be deemed necessary, the Authority may restrict the length and breadth of log rafts in any port.

c. Rafts being towed shall be moved with reasonable dispatch and shall not be towed through any of the Special Anchorage. These anchorage shall be determined and defined through the coordinated efforts of the Authority, PCG and other government agency concerned, pursuant to Section 6 (A), Article III (Shipping Operations and Movements) of these Regulations.

d. All log towing vessels shall carry conspicuously, during daytime a black diamond shape of at least one-half meter in diameter, and at night two white lights positioned vertically two meters apart from other.

SECTION 12. Tugs Towing Rafts —

a. Every tug or launch used for the towing of rafts shall be of sufficient horsepower to hold her tow in control under tidal and normal weather conditions.

b. All tugs and launches with rafts in tow shall, unless it is unsafe or impractical to do so, leave clear for shipping main channels in any port or approaches to a port.

SECTION 13. Smoke, Soot, Etc . — No vessel shall emit smoke, soot, ash, grit, or oil in such quantity as to constitute a nuisance or any harmful gas fumes and chemicals.

SECTION 14. Chipping, Scaling, and hotworks —

a. No vessel shall, without the written permission of the Authority, carry out any chipping or scaling or metal, or hot works within a port.

b. This regulation shall not apply to any vessel undergoing construction or repair in a registered or licensed slipways or shipyard.

SECTION 15. Sinking, Strandings, Etc. —

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a. When a vessel, watercraft, raft or float sinks, strands, capsizes, or catches fire within a port from whatever cause, except force majeure, the Master or owner of the vessel, if at fault or negligent, shall be held responsible under existing laws and regulations for all consequences arising therefrom, and shall immediately, at its/his own expense, remove the watercraft, raft, or float when called upon to do so by the Authority to prevent obstruction to shipping; provided that the necessary salvage permit therefor is first secured from the PCG.

b. If the Master or owner/agent of a vessel, raft, float or watercraft unreasonably fails or is unable to remove the same when required to do so, the Authority may, in the public interest or safety of shipping, cause its removal in the most expedient manner under existing regulations on salvage, and the costs incurred therefor shall be borne by the Master, owner or agent thereof.

SECTION 16. Buoys and Moorings — No private buoy or mooring shall be laid or positioned in the waters in any port/harbor unless prior authority therefor is first secured from the PCG and the CPA.

SECTION 17. Removal/Damage to Notices, Etc . — No person shall remove, alter, deface, damage, or otherwise interfere with any notice placed by the Authority on any vessel in a port or on any of the premises under the jurisdiction of the Authority.

SECTION 18. Excessive Use of Siren, Etc. — No steam whistle, siren, horn or like instrument shall be used by any vessel in a port other than as a signal of danger, or for the purpose of giving warning for the vessel's maneuver, or other legitimate cause.

ARTICLE IV
Berthing Regulations

SECTION 1. Berthing Regulations —

a. The allocation of the berth belonging to, or operated by, the Authority shall be at the Authority's discretion.

b. A vessel shall be considered for berthing allocation only after the agent of the said vessel has filed an application for berth.

c. All applications for berthing in pier/wharf/anchorage shall be submitted at least 24 hours before arrival for vessels on scheduled run and 36 hours for tramping vessels (without regular schedules). In either case, application should be filed within sufficient allowable time. The Authority may allow berthing allocation on a weekly basis for short-run domestic vessels.

d. All applications received after the berthing meeting shall be deliberated upon the following day before the actual arrival of the vessel.

e. No 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 directions, nor shall any vessel occupy a berth other than the berth allocated to said vessel.

f. First come-first served basis shall be the general rule in determining berthing priorities of vessels, subject to the exceptions hereinafter provided. Vessel's arrival will mean the time a vessel drops anchor at the Anchorage Area when there is no available area or the time a vessel reaches the Port's Boarding Area when a berth is available.

g. When the available berthing space is inadequate for berthing a larger vessel having the priority to berth, the smaller vessel next in priority which can be accommodated shall be allowed to berth on condition that should additional space be made available such that the larger vessel can already be accommodated, the smaller vessel, at its own expense, shall be moved to the anchorage to allow the larger vessel to berth.

h. The Pilot maneuvering a vessel to berth shall be advised by the Authority as to the position or berth which

the vessel shall occupy and the vessel shall comply with the directions or instructions therefor of the Authority.

i. When a vessel scheduled to berth encounters some mechanical trouble thereby restraining said vessel to dock, an allowance of one (1) hour shall be given for repairs. If after the lapse of this grace period, said vessel is still inoperative, the priority to berth shall be passed on to the vessel having the next priority to berth.

j. Vessels with berthing priority but are scheduled to depart the following day yet shall be allowed to berth to allow passengers to disembark. Provided, however, that said vessel shall pull-out from berth to give way to a passenger vessel scheduled to depart on the same day, although the latter has no berthing priority.

k. Any vessel intending to berth solely for purposes of loading fresh water, bunkering or victualling, where time is of the essence, before such vessel will be able to depart for another port, shall be given priority over other vessels, provided that such stay shall not exceed the time fixed by the Authority.

l. Government-owned vessels on official business, vessels of foreign government(s) not engaged in foreign trade, vessels under stress, and vessels carrying perishable articles or goods shall be given berthing priority over other vessels.

m. Whenever practicable, passenger liners or tourist vessels shall, subject to the discretion of the General Manager of the Authority be given also priority on a limited number of hours stay at berth over purely cargo vessels.

n. Berthing priority of any vessel shall not be waived in favor of another vessel. However, a vessel found to have unpaid charges or fees or accounts with the Authority shall be denied berthing priority until such charges or fees or accounts are paid or settled.

o. Vessels waiting for cargoes, or those which have no activity or operation, shall be moved to anchorage to allow the next vessel to berth. However, said vessel shall be allowed to berth again, provided that cargoes for loading are ready, unless another vessel is allowed to take the berth temporarily by the Authority.

p. Domestic vessel may be allowed by the Authority to dock at berths designated to foreign vessels if there are no other vessels waiting to dock at such berths.

q. Shut-down time caused by heavy rains and other major calamities or accidents which will restrain work on a vessel shall be excluded from the time limitation prescribed herein. However, breakdown of lifting gears and also loading fresh water, bunkering and victualling which should be done simultaneously with cargo handling operations shall not be considered as reason for time extension.

SECTION 2. Vessel Readiness to Move —

a. While in a port, no vessel shall, without the written permission of the Authority, carry out engine repairs or other related work which may render the vessel unable to move when required to do so.

b. No vessel while berthed at a pier or wharf be left without any authorized personnel and competent officer who can move the same when required to do so, and without prior written permission from the Authority. Failure of the Master to comply with this, shall empower the Authority to cause the removal of the vessel at owner’s/Master’s expense and all damages incurred by reason thereof is the sole liability of the master or owner of the vessel.

c. If a vessel is unable to move when so required by the Authority, the same shall move or caused to moved by the Authority; provided that all expenses incurred by the Authority in performing such work shall be paid by the vessel, without prejudice to the penalty imposed under these Regulations.

d. No un-propelled lighter or barge shall be allowed to berth at a pier/wharf without the written permission of the Authority and without any stand-by tugboat to move said lighter or barge when required to do so.

e. No vessel shall remain idle at berth for more than one (1) hour, if there are other vessels waiting to berth.

SECTION 3. Prohibitions on Berthing —

a. Double-bunking of vessels shall not be allowed except with prior permit from the Authority; provided, that in case of damage resulting therefrom, the Authority shall not be responsible.

b. No vessel shall be allowed to undertake any repair while at berth unless with prior permit from the Authority.

c. Tugboats shall not leave their barges/lighters while at berth; otherwise the Authority shall cause their removal at the owner's expense, without prejudice to the penalty prescribed by these Regulations.

d. No movement/shifting of vessel at berth shall be allowed without prior permission from the Authority.

e. No master of any vessel shall leave his vessel lying at berth or anchorage without a marine officer and the necessary manpower complement to move the vessel when so ordered by the Authority. Failure to do so shall empower the Authority to remove the vessel at vessel's expense, without prejudice to the penalty prescribed in these Regulations.

f. Idle vessels or those without activity or operation shall not be allowed to remain at berth.

g. No vessel covered under compulsory pilotage shall maneuver for berth or anchor without the necessary Harbor Pilot.

h. No vessel shall berth or moor in places and/or time not specified or authorized or shift from its authorized berth without permission to do so by the Authority.

i. No vessel shall pull alongside on another vessel without prior permission from the Authority.

j. No vessel shall dump solid and/or liquid garbage or slops over the side while at berth.

SECTION 4. Authority's Discretion — Nothing prescribed in the above regulations on berthing shall preclude the discretionary power of the Authority to direct the movement of any vessel if the Authority finds it necessary under the circumstances to do so in the best interest of the public. Any expense incurred in complying with the direction or order of the Authority shall be borne by the vessel concerned.

SECTION 5. Time Limitation at Berth — Based on productivity standard of cargo handling operations, a time limitation at berth of cargo vessels shall be determined by the volume of cargo to be handled in the controlling hatch or 48 hours whichever is earlier.

SECTION 6. Berthing of Vessel —

a. A vessel shall be berthed by its Master and crew with the advice or direction of the Pilot on board and shall be attended by dock labor, if available, at the wharf or pier in taking ashore, making fast or casting off wire hawsers or ropes or other similar assistance if due notice is given to the Authority.

b. The Authority shall not be responsible for any loss or damage caused by or attributable to any act or omission of the Master or employees of any vessel relative to its berthing.

c. Neither shall the Authority be held liable for the unsecured or improper mooring or berthing of any vessel nor for any damage or loss occasioned thereby.

SECTION 7. Vessel Under Master's Charge — Every vessel shall, while moored alongside a pier or wharf within a port, be under the charge of, and her safety at the sole risk or responsibility of the Master or owner, and the Authority shall not be responsible for the safety of the vessel.

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SECTION 8. Attendance to Moorings —

a. Every vessel lying alongside a wharf or pier shall at all times have sufficient personnel or crew on board to attend to her moorings and to cause them to slacken or heave in as may be necessary.

b. No rope shall be made fast ashore except to the dolphins, buoys, mooring posts, belts or bollards provided for the purpose.

SECTION 9. Rat Guards — Every vessel lying alongside a pier, wharf, quay or bulkhead shall be provided with rat guards on her mooring lines or other adequate means to prevent the passage of rats between the vessel and the pier or wharf.

SECTION 10. Fenders/Cushions — Every vessel alongside a pier or wharf shall provide and use rubber/thread cushion or other shock-absorbing materials on its side which will absorb the impact of the vessel against the pier or wharf, quayside, and the owner or operator of the pier or wharf shall provide the same with suitable and adequate fenders. Any fender provided by the Authority shall not be lifted or removed from the quay wall. The master of the vessel and its owner shall not be relieved of any liability in case of damage caused to the port or port facility on account of absence or lack of the fender at the port or port facility, where damage would nonetheless be caused due to the negligence of the vessel.

SECTION 11. Gangways/Ladder —

a. There shall be provided between a vessel lying alongside a wharf or pier, one or more proper gangways which shall be securely fastened to the vessel and adequately lighted up at night.

b. Where a vessel is lying alongside a pier or wharf, no person shall embark on or disembark from said vessel other than over the gangway or accommodation ladder required to be put up.

SECTION 12. No Gear to be Placed on Wharf —

a. No boat, spar, anchor, cable, or other article of ship’s gear, dunnage, loose box from or belonging to any vessel, shall be placed or shall remain on a pier or wharf without the permission of the Authority.

b. No dirt, ash or rubbish of any description shall be landed on any wharf or pier except in the receptacles provided for the purpose.

SECTION 13. Exhaust Steam, Discharges, etc. —

a. Exhaust steam, water and other discharges from a vessel lying at or alongside a pier or wharf shall be laid down the side of the ship to below the level of the wharf or pier by a hose or other appliance.

b. No refuse, filth, or excreta shall be discharged from a discharge pipe water closet, or latrine upon any portion of a wharf or pier except in the receptacles provided for this purpose.

c. All water and steam, pipes of a vessel at a pier or wharf shall be properly screened by the Authority.

d. The cost incurred by the Authority in cleansing or doing anything as a result of a contravention of this regulation shall be refundable by the Master or owner of the vessel, in addition to the penalty for the offense.

SECTION 14. Removal of Obstruction, Etc. — The Master of any vessel with its bow swung outward or with anchors or other projections from the vessel’s side or desk which may interfere with the vessel or another vessel loading, discharging, or berthing (including berthing alongside the first vessel), shall remove such projection or other obstruction.

SECTION 15. Use of Engines — No vessel shall test run or try her main engines or turn her propellers on while at

berth unless permission to do so is first obtained from the Authority.

ARTICLE V
Loading, Unloading, Storing and Transporting of Goods

SECTION 1. No Responsibility for Delays — The Authority shall not be responsible for the detention or delay of any vessel nor for the delay in discharging or loading of its cargo due to any cause whatsoever.

SECTION 2. Vessel to be Ready for Work, Etc. —

a. After mooring or berthing alongside a pier or wharf, every vessel shall have all her working hatches ready to commence working cargo.

b. Adequate lights shall be provided in parts of a vessel where work is going on alongside any pier or wharf belonging to, or operated by the Authority, in order to prevent injury or accident to life, limb or property which may result from such work.

c. No vessel shall load or unload cargoes in places and/or time not authorized by the Authority.

d. No vessel shall allow loading or unloading of cargoes by CHSPs not authorized by the Authority.

e. No vessel shall load or unload gasoline or highly flammable substance at a place other than that designated by regulations.

f. No vessel shall load or unload dangerous cargoes at a place and time other than that designated by regulations.

g. No vessel shall dump or cause to be dumped solid and/or liquid wastes or slops over the side while at berth.

SECTION 3. Pre-cargo Handling Activities, Etc. —

a. The Authority shall not be responsible as stevedores regardless of the source of labor supply for any stevedoring operations which shall be carried on under the supervision of an officer of the vessel concerned who shall bear the responsibility for the rigging, unrigging, trimming, opening and closing of hatches, and safe working of the cargo gear of said vessel, and for consequences arising therefrom.

b. Neither shall the Authority be responsible for the winchman or craneman that is supplied by the Authority upon request while working on board the vessel for they shall be deemed to be an employee of the Master of the vessel.

SECTION 4. Liability/Indemnity for Cranes — When cranes belonging to the Authority are leased, the lessee shall be responsible for any damage which may arise from the use or operation thereof due to his fault or negligence.

SECTION 5. Lease of Cargo Gear, Etc. —

a. Cargo gear leased from the Authority shall be deemed to be hired on condition that the hirer shall be responsible for damage to such equipment which is attributable to his fault or negligence.

b. The gear so leased shall be deemed to be in good working condition, and the responsibility of the Authority shall be limited to damage to cargo directly caused by the breakdown thereof.

SECTION 6. List of Inward Cargo —

a. The Master or agent of every incoming vessel, domestic or foreign, shall sign and furnish the Office of the Authority at the port concerned, at least twenty-four (24) hours before arrival in case of overseas vessel, and not later than one (1) hour upon arrival in case of coastwise vessel, two (2) copies of ICM in the English language containing all particulars as to:

i. The gross weight, measurement, marks, numbers, and contents of each package consignment, including the origin of the cargo.

ii. The names of consignees per B/L or the names of the persons actually paying the freight, and their respective addresses.

iii. The names of consignees per B/L or the names of the persons actually paying the freight, and their respective addresses.

b. The Authority may refuse to allocate a berth to a vessel unless one copy of the ICM is deposited or furnished or a written statement is submitted that the vessel does not intend to work cargo or that the Manifest cannot be lodged before the arrival of the vessel because of the short sea voyage of the vessel, in which case the ICM shall be submitted upon arrival of the vessel.

c. A certified statement of any amendment or alteration, if authorized by applicable law and regulations, made in the ICM by reason of the re-measurement or recounting or re-description of the break-bulk goods included therein or otherwise, shall also be furnished to the Authority immediately after completion of discharge of the cargo or goods.

d. Any amendment or alteration to the original ICM of containerized liner shall be submitted within twenty-four hours after the departure of the vessel, if such amendment cannot be submitted prior thereto.

SECTION 7. Heavy Lifts — The discharge of any package, heavy lift or containerized cargo from the vessel to the pier or wharf shall be subject to the discretion of the Authority by taking into account the physical strength, availability of space at the pier or wharf and other factors, e.g. nature of the cargo, etc.

SECTION 8. List of Outgoing Cargo — The Master or agent of every outgoing vessel, domestic or foreign, shall prepare in the English language, sign and submit within three to five (3-5) hours before the departure of the vessels, two (2) accurate copies of the OCM of all goods and said vessel containing all particulars as to:

a. Gross weight, measurement, marks, numbers and contents of each package or consignment, including the final destination thereof.

b. The names of the shippers and their addresses per B/L.

SECTION 9. Vessels to be Worked with Dispatch —

a. Every vessel shall discharge or load her cargo with reasonable dispatch, and where she occupies a berth which is required shortly by another vessel, the former vessel shall be worked continuously including night and overtime hours as may be required by the Authority.

b. If the vessel fails or is unable to effect such dispatch or work such night and overtime hours as required by the Authority, said vessel may be ordered by the Authority to vacate the berth she occupies and the Master shall forthwith comply with the order.

c. A vessel which is required to vacate a berth pursuant to the Authority’s order in paragraph (b) above shall be re-berthed at a place solely at the discretion of the Authority.

d. All expenses incurred in complying with the Authority’s order under this section shall be borne by said vessel.

SECTION 10. Production of Documents — The Master or agent of any vessel shall produce to the Authority any book or document which may be required in connection with the landing or shipping of her cargo and/or embarkation or disembarkation of her passenger or crew.

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SECTION 11. Discharge of Cargo by Marks — The Master of any vessel shall cause the discharge of cargo by marks for easy identification and sorting of the cargo.

SECTION 12. Responsibility in Case of Fire, Etc. — The Authority shall not be responsible:

a. For any loss of, or damage to, goods while in its port facilities caused by fire, water or other agent used in extinguishing fire or by vermin.

b. For any loss or damage to goods in an unprotected or uncovered state while in its direct custody in its port premises and which is not due to Authority's fault or negligence.

c. For any deficiencies of merchandise produced by natural or unavoidable causes.

SECTION 13. Liability for Storage Space — After notification to the owners, consignees, shippers of goods or agents of the vessel that accommodation for such goods is not available either in the transit shed, warehouse or open space, the Authority shall not be bound to find storage therefor nor be liable for any loss or damage to such goods within the port facilities of the Authority. The Authority shall have the option to remove said cargo after payment of lawful revenues and charges at the expense of the owner, in order to decongest the pier or wharf.

SECTION 14. Passenger Baggage — The Authority shall not be responsible for the loss of personal effects or passenger's baggage stored in the Authority's transit sheds or warehouses, unless a receipt is issued therefor by the Authority, and for cause which is attributable to its fault or negligence, and in such case, the liability of the Authority shall not exceed Two Hundred Pesos (P200.00) per package unless the value of said personal effects or baggage are duly declared and paid for ad valorem (based on value) to be determined by the Authority.

SECTION 15. Objectionable Cargo — The Authority may prohibit the landing or refuse to accept any cargo which in its opinion may imperil the safety of persons or property in port or cause damage to any part of the premises of the port, or adversely affect the safety of any cargo within the premises of the Authority.

SECTION 16. Removal of Offensive Cargo —

a. The Authority may, after giving at least twelve (12) hours notice to owner or consignee of goods which are of offensive nature landed in the premises and without permission of the Authority, order its removal and/or its destruction if it deems urgently necessary in the public interest, without incurring any liability for the removal and/or destruction of the said goods, and without prejudice to any liability incurred by such owner or consignee. If the owner cannot be found, mere publication in the bulletin board for (1) day or announcement made in any media outlet shall be sufficient.

b. The expenses incurred for the removal, destruction of, or other necessary action on goods treated in paragraph (a) above shall be borne by the consignee or owner of the cargo.

c. The term "offensive cargo" as used in this Section shall include, among others, any cargo, whether, solid, liquid, or gas, which is obnoxious, corrosive, inflammable or poses danger to life, property, or the government.

SECTION 17. Shipside and Direct Deliveries — The Master or agent of a vessel shall submit to the Authority lists of all inward and outward deliveries ship-side (over-side) and all direct deliveries/shipments to and from the wharf or pier in such details and at such times as the Authority may require.

SECTION 18. Payment of Bills — Masters, owners, and agents of vessels, or owners or consignees of goods shall be responsible for the prompt payment of all bills submitted by the Authority. Failure to pay as demanded by the Authority, the vessel or her sister vessel may be refused services by the Authority, without prejudice to the power of the authority to detain such vessel or cargo for non-payment of the bills.

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SECTION 19. Cargo-handling Contracts/Permits —

a. The Authority may, instead of providing its own labor, authorize by contract, permit or arrangement, a contractor to provide cargo handling services and the liabilities, obligations and responsibilities of such contractor or grantee shall be stipulated in said contract, permit or arrangement.

b. No business corporation or firm shall be allowed to perform work as a cargo-handling contractor within the premises of the Authority unless in possession of a permit/license duly issued or provided with Management Contract by Authority or with existing permit previously issued by or with Management Contract or Agreement entered into before with the PPA.

c. The Authority shall not be responsible under any circumstances for any claims or damages arising out of or relative to the granting of any cargo handling contract or permit.

SECTION 20. Permit/Pass to Person/Vehicle — No person shall be allowed to enter the premises of the Authority unless he is on legitimate business or purpose and with previous permit/pass issued by the Authority. Neither shall any vehicle or any person, except CPA officials and employees, be allowed to enter the pier/wharf or premises of the Authority without any pass therefor.

SECTION 21. Release of Goods —

a. Domestic cargo shall be released by the Authority from its transit sheds or warehouses only upon production of the corresponding B/L or Delivery Orders and CAR after payment of lawful fees or charges collectible therefrom.

b. Import and Export cargoes shall be released/transferred or loaded on board the vessel only after payment of lawful revenues collectible by the BOC and upon presentation of required release/transfer/loading orders or documents and also after payment of charges or fees collectible by the Authority.

c. The Authority shall release or cause the release of cargo by marks and shall not sort or cause its sorting by numbers and sub-marks except upon the request and at the expense of the vessel or cargo owner or consignee.

SECTION 22. Delays and Detention of Cargo — The Authority shall not be responsible for the delay or detention of the shipment (which the Authority directly received), its discharge or delivery due to congestion of cargo in the pier/wharf or of vessels at the berth's or for any other cause or circumstance beyond the control of the Authority.

SECTION 23. Receiving Outside Cargo — Break-bulk cargo shall not be brought in or laid on any pier or wharf before the vessel is ready to receive them, nor shall the cargo be placed on any storage area or roadway, without the permission of the Authority.

SECTION 24. Working Hours — The port working hours, delivery hours for cargo, office hours and the like, of the authority in each port shall be fixed by the Authority from time to time.

SECTION 25. Damaged Cargo —

a. The Authority, if it directly renders service shall put aside for survey damaged or bad order cargo but shall not be responsible for failing to note any damage which can not be easily detected by its external appearance upon discharge.

b. For purposes of determining liability, among others, damaged, defective, or bad order cargo shall be surveyed by a representative of the ship or its agent, the cargo handling contractor, and a representative of the Authority, in case of domestic cargo; for foreign cargoes, a representative of the BOC shall be present.

SECTION 26. Firearms and Explosives — All cases containing firearms, ammunitions, or explosives shall be clearly marked for identification, and at least twenty-four (24) hours before arrival of the carrying vessel, a

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written notice shall contain full particulars of the cargo and shall be accompanied by the required permit or authority for its importation and discharge from authorities.

SECTION 27. Contamination of Other Cargo —

a. If a cargo deteriorates as to contaminate other cargo, the Authority reserves the right to require the complete removal thereof from the transit shed or warehouse within the premises of the Authority within twenty-four (24) hours after notice is given to the cargo owner or consignee, or agent of either, and after payment of lawful revenues and other charges due thereon.

b. If the notice given in paragraph (a) above is not complied with, the Authority shall have the option to remove the cargo from the warehouse or transit shed to the open storage, sell by public auction, destroy or otherwise dispose of such goods in such manner it may deem proper if domestic cargo, and in coordination with the BOC if import or export cargo, and the Authority shall not be liable to pay any compensation for any goods so dealt with. Where the subject cargo is auctioned, all incidental expenses incurred by the Authority shall be charged against the owner, shipper, or consignee.

SECTION 28. Animals —

a. No animals shall be landed or brought into the port or premises of the Authority, except for direct delivery or shipment, and the owner shall be entirely responsible for the animals and shall be liable for any injury or damage which such animals may cause.

b. If any stray animals is found within the Authority's premises, the same may be dealt with at the discretion of the Authority.

c. No person shall raise any animal or pet within the port premises. Any such animal or pet found within the port premises shall be impounded and/or confiscated by the Authority or otherwise dispose of in a manner it may deem proper.

SECTION 29. Right to Remove Cargoes — The Authority shall, if the convenient use or condition of the port premises so requires, remove any cargo which have been landed thereon to any storage area or therefrom to the open storage at its discretion, and the charges for such removal shall be paid by the owner of cargoes to the Authority.

SECTION 30. Cargo for Other Ports — The Authority reserves the right to prohibit the landing of cargo in a port which is destined for other places except when the conditions of the said port so warrant.

SECTION 31. Recovery of Goods Fallen from Vessels — When a vessel is alongside a pier or wharf, any material including cargo or equipment that has fallen from the vessel or the vessel's sling ship-side or over-side, shall be recovered by the Master of the vessel, or arrangement for their recovery shall be made to the satisfaction of the Authority before the vessel is permitted to depart. The cost of such recovery, damage to pier, wharf or other works, cargo or thing shall be the liability of the Master, owner or agent of the vessel whether the act is due to negligence or not.

SECTION 32. Prohibition on Dumping of Wastes, Smoking, Etc . — No person shall:

a. throw or dump solid wastes or slops in any part of the pier or wharf or premises of the Authority not designated for the purpose. "Solid Waste" shall mean any garbage, rubbish, trash, refuse, filth, and the like." "Slops" shall mean any slush, watery mud, or any refuse liquid.

b. Spit, urinate, or defecate in any pier, wharf, quay, alley, street, sidewalk, pathway, or other premises of the Authority.

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c. Smoke, carry, or ignite any naked flame on any part of the pier/wharf or premises under the jurisdiction of the Authority especially near a combustible cargo or cargo area where the Authority has posted notices to that effect, except in such place and under such conditions as may be expressly permitted by the Authority.

d. Fish or bathe at any pier, wharf, or quay, or premises of the Authority.

e. Stay in ease or be idle, loiter about any part of the premises of the Authority, except in such place as may be set aside for the purpose by the Authority.

f. Without proper authority, tamper with any machinery, water appliances, electric fitting, or equipment of whatever kind in or on the premises of the Authority.

g. Knowingly permit any dog or any other animal belonging to him/her to roam on the premises of the Authority and without its permission.

h. Knowingly permit his/her children below 12 years old or any person of such age under his/her custody to roam within the port premises unaccompanied by an adult and without any legitimate business.

i. Conduct diggings on port roads and port premises without prior permit from the Authority.

j. Cause damage to property belonging to or controlled by the Authority.

k. Sell or drink beer, intoxicating liquor, and similar alcoholic beverage, provided that this shall not apply to alcoholic beverage that are entered or brought out of the port as cargo.

SECTION 33. Licenses — No person shall carry on any trade or business or be a vendor of goods or refreshment whatsoever in any harbor craft in a port or in a vessel alongside a pier or wharf, or on the premises of the Authority unless licensed or permitted for the purpose by the Authority.

SECTION 34. Road Vehicles —

a. All vehicles shall be driven with due care within the Authority's premises and shall observe such speed limits and regulations as may from time to time be imposed by the Authority.

b. Drivers of vehicles within the Authority's premises shall keep a constant lookout for all types of mobile cargo handling and mechanical equipment and shall take all necessary precautions to avoid collisions or accident.

c. No vehicle shall be taken or driven along, or upon any pier or wharf, or inside any shed or warehouse without the permission of the Authority.

d. All persons shall comply with all orders given by an officer or security guard of, or acting for, the Authority, or by any police officer, for the purpose of regulating traffic within the premises of the Authority.

e. No vehicle shall park on or obstruct any passage or gangway leading to or from any pier, wharf, dock, shed, warehouse, or any railway line within the premises of the Authority.

f. No vehicle, truck, tractor engine, or craft shall be left unattended while in the Authority's premises, nor shall overnight parking is allowed.

g. Without permission of the Authority, no vehicle, within its premises, shall be fueled or refueled at any place other than at an authorized fueling point.

h. When an officer or security guard of, or acting for, the Authority deemed it necessary to move a vehicle from any place in the Authority's premises to prevent obstruction or danger, it shall be lawful for him to direct the driver to move said vehicle to such other place indicated and if the driver fails to comply with the direction or is not around, said officer or guard may move such vehicle, and the expense for such removal shall be borne

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by the owner or operator of such vehicle, without prejudice to the penalty provided in these Regulations.

i. No bicycle, tricycle (motorized or otherwise) and other vehicles akin thereto shall be allowed within the working area of the port. Their presence in non-working areas shall be subject to the approval of the Authority. Provided, that legitimate port users may be allowed to use such vehicles owned by them for their own cargo subject to terms and conditions as may be imposed by the Authority.

ARTICLE VI
Dangerous Cargo

SECTION 1. Definition — For purposes of these Regulations, "Dangerous Goods" shall mean any of the goods listed in the "Classification of Dangerous Goods" by the IMCO or the appropriate agency of the Philippine Government and/or United Kingdom Carriage of Dangerous Goods in Ships (The Blue Book).

SECTION 2. General Restriction — No person shall cause to be imported or exported and no vessel shall cause to be loaded or discharged or transported any dangerous goods within the limits of any port, except in accordance with the permission or direction of the Authority in addition to whatever regulations or requirements imposed by other appropriate agencies of the government.

SECTION 3. Declaration of Dangerous Goods —

a. No dangerous goods shall be brought into any port unless such goods are declared and adequately described in the Notice required under Sections 1 and 2, Article II (Arrivals and Departures) hereof, and are certified in said notice by the Master or agent of the vessel that said goods are properly marked, packed and labeled in accordance with the IMCO Classification of Dangerous Goods or Classification by the proper agencies of the government and/or the Blue Book.

b. Such certificate or declaration shall indicate the correct technical name and identity of the goods and the class to which it belongs under the appropriate classification.

SECTION 4. Defective Packaging —

a. No defective package or container with dangerous goods inside shall be landed or brought on to any pier or wharf, except upon permission of the Authority if it deems proper and under such strict conditions as it may impose.

b. In case of emergency or in order to insure the safety of the port or shipping therein, the Authority may destroy or otherwise dispose of any dangerous goods if after due notice to the owners or consignees thereof they fail to remove the same within the time specified, and the Authority shall not be liable for payment of compensation therefor.

SECTION 5. Warning Signals to be Hoisted —

a. Every vessel carrying on board dangerous goods other than petroleum shall exhibit, where it can be clearly seen by day, a red flag not less than 0.6 square meter, and by night a red light which is visible all around the horizon; provided that, such red flag and/or red light shall continuously be exhibited as long as any dangerous goods remain on board.

b. Every vessel carrying on board dangerous petroleum shall exhibit, where it can be clearly seen by day, a red flag not less than 0.6 square meter with a white circular center of 10 cms. in diameter, and by night, a red light which is visible all around the horizon, and shall continue to exhibit said flag and/or light as long as any low flash petroleum remains on board.

c. The provisions of this section shall not apply to:

i. Dangerous goods contained on board any vessel to be used solely for the purpose of ship's stores of the vessel.

ii. Small quantities of dangerous goods taken for sample purposes by an inspector of explosives.

SECTION 6. Restrictions on Working Hours —

a. No explosives or dangerous goods shall be located or discharged between the hours of 1800 and 0600 without the permission of the Authority.

b. No vessel or harbor craft with explosives or dangerous goods on board shall remain alongside any other vessel or craft, pier or wharf, or other physical landing place between the hours of 1800 and 0600 without the permission of the Authority.

SECTION 7. Smoking, Etc. Prohibited — No person shall smoke and no fire or naked light, other than navigation or signal lights prescribed by the Collision Regulations or by these Regulations, shall be allowed on board any vessel or harbor craft which has or is about to receive on board any explosives or dangerous goods.

ARTICLE VII
Containerized Cargo

SECTION 1. General Guidelines/Regulations on Containers — The following guidelines/regulations shall govern the handling and movement of containerized cargo, to wit:

a. At least 24 hours prior to the arrival of vessel, the ship's agent shall submit to the Authority two (2) copies of the container manifest. In addition, a list of containers to be loaded or unloaded shall also be submitted to the Authority for proper planning and control of equipment dispatch.

b. Container loaded with hazardous or dangerous cargo shall have stickers posted in a conspicuous place on the faces of the containers showing, among other things, the nature of the cargo storage and handling instructions. If the same are not available, the master of the vessel or shipping agent concerned shall post one before discharging is allowed.

c. Every container discharged from a vessel shall be covered by individual CTS prepared and signed by the ship's checkers and countersigned by cargo-handling checkers, thus, making the CTS a conclusive evidence of receipt of the containers by the CHSP.

c.1 The CTS for discharging shall be prepared by the shipping company or agent in triplicate, the original to be retained by the shipping company/agent; the duplicate and triplicate to be forwarded to CHSP Authority, respectively.

c.2 The CTS for loading shall be prepared by the CHSP in triplicate, the original to be retained by the CHSP; the duplicate and triplicate to the shipping company/agent and Authority; respectively.

c.3 In both instances, the CHSP Contractor and the shipping company/agent shall prepare their own CTS following the format prescribed by the Authority.

d. Loaded Container damaged or classified as a B/O shall be immediately opened and the contents thereof inventoried, surveyed and examined within 24 hours upon the request of the shipping company or within 72 hours after the last discharge in the presence of both the representatives of the master or agent of the vessel and the CHSP.

e. B/O containers shall not be transferred outside the designated area within the Port Zone until first stripped of contents or unless so authorized by the Collector of Customs concerned.

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f. Containerized cargo shall be unloaded from the vessel and placed only on the space at the pier or wharf designated for the purpose and shall be subject to the same rules as are applicable to general cargo regarding the releases, withdrawal, transfer and collection of storage charges thereon.

g. No empty containers treated in Sections 6 (f) and (g) hereof, shall be stored at the pier/wharf or its immediate premises without the prior permission of the Authority.

SECTION 2. Container's Regulations for Cebu International Port — The following regulations shall govern the handling of containerized cargo in the Cebu International Port and may be made applicable to other port facilities handling containerized cargo insofar as they are adaptable and practicable thereat taking into consideration the obtaining situation, to wit:

a. Cargoes inside a container shall be treated like any other break-bulk shipments subject to the provisions of the Tariff and Customs Code and applicable regulations. Moreover, all covering documents and permits regarding movements of cargoes contained therein, shall among others, bear the identifying marks and/or numbers of the containers and the names and registry numbers of the carrying vessels.

b. Containers loaded with export cargo coming from the exporter's warehouse or outside CFS, must be brought to the port area and entrusted to the CHSP twenty-four (24) hours before loading to carrying vessels, in order to prevent congestion in the pier or wharf.

c. Same procedure shall apply to empty containers coming from outside the port area.

d. Break-bulk export cargo for stuffing inside the Port Area must brought to the CFS forty-eight (48) hours before the arrival of the vessel to which such cargo will be loaded so that the stuffing can be finished twenty-four (24) hours before loading to carrying vessels.

e. Empty containers shall be allowed to be loaded only when the following conditions are complied with, thus:

e.1 "Permit to Load" empty containers is issued by the BOC with a copy thereof furnished the Authority and the Authority's clearance therefor is first secured.

e.2 The permit bears the stamp of the CHSP concerned.

e.3 The permit is duly processed by the Authority's representative at the pier/wharf from which the containers come from, particularly on the payment of storage charges due thereon, if any.

e.4 The container has been verified to be empty by the BOC and the CPA immediately before loading.

f. In case of B/O containers loaded with dangerous or hazardous cargo, the same shall be opened only upon authority of the CPA and the BOC. Upon completion of transfer of such B/O containers to the Dangerous Cargo Coral, the CHSP shall immediately inform the Authority for such action as may be deemed appropriate.

Representatives of the CHSP and the shipping company shall each prepare a Survey Report, and one countersigning the report of the other and each one of them furnishing the Authority with a copy of their receipt.

g. Containers shall be discharged from or loaded unto carrying vessels only through the pier (dockside); otherwise a written authority from the Collector of Customs and the Authority shall be secured.

h. Containers previously documented by the Collector of Customs from outports may be loaded shipside to carrying vessels subject to Customs rules and regulations relative to security of cargoes contained therein.

SECTION 3. Delivery, Transfer and Shifting of Containers —

a. Delivery of containers may be authorized after payment of duties, taxes, storage charges, if any, arrastre fees

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and other port charges. Delivery shall be covered by a regular delivery permit issued by the BOC and gate pass issued by the Authority and/or CHSP.

b. Containers may be transferred under the following conditions:

i. For transfer to Customs Bonded Warehouse pursuant to BOC rules and regulations pertinent thereto.

ii. For transfer to consignee's premises or bodegas as may be authorized under existing rules and regulations.

iii. For transfer to outside CY-CFS as extensions of the piers pursuant to the BOC existing rules and regulations provided for in the authority granted to the specific CY-CFS.

iv. To prepare for loading to the carrying vessel or to prepare for withdrawal from the Port Zone.

v. To prepare for examinations inside the pier/wharf for contents and for all other customs purposes as may be directed by the BOC in coordination with the Authority.

SECTION 4. Entry of Containers from Outside Sources — Containers entering the Port Area coming from outside sources shall be accompanied by a Waybill in addition to the usual regular documents. This waybill shall be in a standard format to be prescribed by the Authority for the use of shippers, brokers, shipping companies and warehouse operators. This must be accompanied in five (5) copies with the original to the CHSP Gate Inspector, the duplicate to the CPA Operations Manager, the triplicate to the BOC, the quadruplicate to the CPA Security, and the quintuplicate to be retained by CPA cashier.

SECTION 5. Stuffing and Stripping of Containers —

a. Containers classified as FCL shall not be stripped while LCL should be stripped of cargoes at the area designated therefor by the Authority.

b. Containers loaded with personal effects wholly or mixed with other cargoes shall be first stripped of personal effects thereof and shall be under guard by the Bureau of Customs up to the CFS or to such area as may be designated by the Authority and the BOC for custody, examination, payment of duties and taxes, and subsequent delivery to the consignee.

c. Containers should be stuffed or stripped at CFS, MY, pier areas where CFS are provided and/or other areas that may be authorized by the Authority and the BOC.

d. All stuffing of export cargoes in containers in the Port Area shall be approved by the Authority and the BOC.

e. No stuffing of export cargoes in containers shall be made unless the duly processed Export Entries of the cargo shall have been presented to and approved by the Operations Manager and approved by the BOC stuffing Inspector.

f. The stuffing Inspector shall certify as to the cargoes stuffed in the containers and shall render report to the Authority and the BOC by accomplishing Stuffing Report Form prescribed therefore which shall show, among others, the cargoes stuffed, seal number, the export entry numbers, place where the cargoes were stuffed, name of shippers and consignees, name and registry number of carrying vessels.

SECTION 6. Storage Containers — Considering that containers are generally an extension of the ship's equipment and gears, their stay in port shall be limited to a reasonable period of time in order that the port/container facilities may be used to the maximum. Free storage period shall be as follows:

a. Imported containerized cargoes shall be entitled to six (6) calendar days after the day that the last item of cargo is discharged from the carrying vessel.

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b. Export containerized cargoes shall be entitled to five (5) calendar days from the day that the cargo is received at the port.

c. Containerized foreign transshipment shall be entitled to a total of fifteen (15) calendar days from the day of discharge.

d. Containerized domestic cargoes shall be entitled to two (2) calendar days prior to the day that the carrying vessel is scheduled to arrive.

e. Containerized domestic cargoes that are “Shutout” (not loaded on their scheduled vessel) shall be entitled to two (2) calendar days after vessel’s departure.

f. Containers after being emptied shall be entitled to six (6) calendar days free storage period in case of foreign cargo and one (1) calendar day in case of domestic cargo.

g. Foreign containers landed empty shall be entitled to three (3) calendar days storage period counted from the date of last discharge. Similarly, empty containers coming from outside the customs zone shall be charged storage fees after three (3) calendar days counted from the date the same was received at the port.

h. Loaded containers coming from outside the Port Area shall be entitled to three (3) calendar days free storage period counted from the date it is officially received at the pier container terminal.

i. The CPC shall have the power to adjust or suspend the “free storage period” and/or increase the storage charges.

SECTION 7. Fees and Charges on Containers —

a. Cargo handling rates and other charges shall be governed by the existing schedule of tariff rates prescribed by the Authority, subject to periodic review by the CPC.

b. Additional fees and charges other than what is prescribed by the Authority pertaining to the use of container equipment shall be fixed between the CHSP and the owner of the equipment subject to the confirmation by the Authority.

c. All containers whether loaded or empty, handled at the Cebu International Port shall not be considered “heavy lift.” However, any single package of shipment weighing more than five (5) tons load shall be charged in accordance with the rate for “heavy lift” as defined in these regulations.

d. Storage charges for empty containers and containerized cargo shall be in accordance with the existing rates or as may be promulgated from time to time by the Authority.

SECTION 8. Container’s Forms — For the purpose of the regulations on containers the following forms: Individual Container Index Card; Container Stuffing and Stripping Report and Container Daily Summary Report shall be prescribed by the Authority.

SECTION 9. General Manager’s Authority — The General Manager by himself or through the Deputy General Manager may from time to time issue implementing guidelines and/or procedures consistent with the provisions of these regulations on containers to effectively implement the same.

SECTION 10. Application on Containers — These regulations on containers shall apply to all containers, lash barges, chassis, trailers, container facilities and equipment used.

ARTICLE VIII
Lease for Private Ports/Warehouse/Terminals

SECTION 1. Lease Application for Private Warehouse/Terminal — Application for lease of foreshore or land areas

subject to the jurisdiction and disposition of the Authority, shall among others, be subject to the following guidelines , rules and regulations, to wit:

a. Private warehouse shall not be located inside the pier or wharf or its immediate premises but at the back up area or place in the port in order to insure the efficient and smooth flow of cargo handling operations in the port.

b. Passenger terminal or office of shipping company or operator may be located within the immediate premises of the pier or wharf if it is properly planned and its establishment thereat shall not interfere with cargo handling activity or the ingress or egress of cargo handling vehicles.

c. The application shall be accompanied with plans and specifications, vicinity maps and tax clearance from the Bureau of Internal Revenue (BIR) that the applicant has no outstanding tax obligation with the government, and said application papers shall be submitted to the CPA.

d. The term of the lease shall not exceed a period of fifteen (15) years, renewable for a period not to exceed ten (10) years, renewable for a period not to exceed ten (10) years at the option of the Authority and subject to such terms and conditions it may deem proper to impose; provided, however, that after the expiration of the original period of 15 years, the warehouse/terminal/office or structure built in the leased area shall become the property of the Authority, free from all liens and encumbrances, and without any obligation on the part of the Authority to make reimbursement of the value thereof to the lessee.

e. The Authority may impose other terms and conditions on the abovementioned lease.

SECTION 2. Rate of Rental — The rate of rental for lease of an area shall be determined by the Authority taking into consideration, among others, such factors as the value of the property involved and those in the vicinity, inflation, rate of upgraded rental in neighboring areas, cost of maintenance and development by CPA, reasonable return of its investment and such other relevant economic factors.

ARTICLE IX
Construction, Development, and Operation of Private Ports/Warehouse/Terminals

SECTION 1. Policy Guidelines on Private Ports — The following guidelines or regulations shall be observed or followed in the granting of authority or permit to construct, develop, and operate private ports and similar facility, to wit:

a. Subject only to the requirements of national security and public safety and these regulations, the construction, development and operation of private ports and similar facilities are hereby encouraged.

b. A private port facility may be established upon approval of the general proposal to develop such private port facility from the Authority. Private river ports, private non-commercial ports, and marinas may be allowed construction at the level of the General Manager, while all others shall be subject to the approval of the CPC.

c. The Certificate of Registration/Permit to Operate A Private Port Facility shall be given a period not to exceed twenty-five (25) years but shall in no case exceed the term of its Foreshore Lease Agreement (FLA). This may be renewable for another twenty-five (25) years but co-terminus with the renewed FLA; Provided, however, that in case of non-renewal, cancellation, or expiration of the FLA, the private port facility or structure thus built on the foreshore and other government owned land utilized for such private port operation, shall become the property of the Authority free from all liens and encumbrances, unless such foreshore area has been authorized to be reclaimed and the corresponding land has become officially titled to the private port owner.

d. Port facilities with expired FLAs may be leased out again to previous owners/operators.

e. The Certificate of Registration/Permit To Operate issued by the Authority shall authorize the holder to operate the private port for the duration specifically indicated therein.

f. All applications for the development, construction, and operation of private ports/facilities shall be granted subject to compliance with the regulations of the authority and other government laws and regulations, among others, like the requirement of Environmental Compliance Certificate (ECC), unless exempted therefrom. Applications shall include a summary of the following:

1. Site/location/distance/accessibility of applied foreshore area from other ports/public utilities and infrastructures;

2. Project scope, description, and technical description;

3. General port lay-out plan and development plan;

4. Company profile.

g. Applications for private commercial ports shall have a minimum investment of at least one concrete berth with a minimum length of 65 meters and a draft of at least five (5) meters at mean lower low water (mllw).

h. The private port owner/operator shall pay to the Authority such charges that are collectible under the Tariff and Customs Code, as amended, and those provided under subsequent applicable laws.

i. The owner/operator of the private port shall be responsible for any damage to property or injury to persons due to his fault or negligence in connection with the construction, development, maintenance, and operation thereof, and shall comply with existing CPA rules and regulations and those issued hereafter.

j. The applicant shall pay to the Authority permit fee in an amount graduated as follows:

Project Cost

Permit Fee

Below P10M

P20,000.00 P20,000.00 Plus .001 (1/10 of 1%) of the excess but not to exceed P150,000.00

P10M and above

Provided, that the fees established herein shall be subject to periodic review by the CPC.

k. No applicant shall be granted a permit for the construction, development, and operation of a private port or awarded a lease contract if he has outstanding tax obligations to the government, unless a tax clearance therefor is secured from the Bureau of Internal Revenue.

SECTION 2. Choice of Contractor — Subject to the issuance of a cargo handling permit and to such terms and conditions as may be imposed by the Authority, owners or operators of duly registered privately owned ports may be allowed to undertake cargo handling services on their own by contract with a CHSP.

SECTION 3. Rates, Dues and Charges on Vessels and Cargoes in Private Ports —

a. Charges for all foreign and domestic vessels that call or drop at anchor at a duly registered private port shall be one-half (1/2) of the corresponding vessel charges applicable in government ports, subject to periodic review by the CPC.

b. Wharfage for all foreign and domestic cargoes whether containerized or not that are loaded or discharged from a private port shall be one-half (1/2) of the corresponding charge collected in government ports, subject to periodic review by the CPC.

c. The owner/operator shall be responsible for the prompt payment of aforesaid charges to the Authority, including rates, dues, or charges, which the Authority may hereafter impose.

d. Charges or fees imposed by the owner/operator of a private port/facility on its port users for the use of its facilities or services shall in no case be lower than that prescribed in the nearest CPA port, and shall be subject to the regulatory powers of the Authority.

e. The owner/operator of the private pier/wharf or port facility shall, when requested by the Authority, assist the Authority subject to conditions that it may impose, in the collection of all dues, rates and charges collectible by the Authority.

ARTICLE X
Municipal Ports/Piers/Wharves

SECTION 1. Jurisdiction Over Municipal Ports — The Authority shall have the power of supervision, regulation and jurisdiction over the administration, development and operations of municipal ports for the purpose of implementing an integrated program of port planning, maintenance, development and operation of all ports throughout the territorial jurisdiction of the Authority. No municipal port shall be constructed without permit from the Authority.

SECTION 2. Operation of and Cargo-handling in Municipal Ports — The municipality or city that owns a pier or wharf may operate the same directly or award its operations and administration to a private contractor who shall secure a permit from the Authority to operate cargo-handling services thereat, subject to the payment of privilege fee to the Authority which shall determine the same, and to such other conditions which the Authority may deem proper to impose.

SECTION 3. Collection of Charges — The Authority shall collect from the owner/agent of vessels and/or owners or consignees of cargoes discharged or loaded at any municipal wharf/pier such collectible port charges, without prejudice to the right of the local government owner of such pier/wharf to collect wharfage dues as provided under said Section 133 (d) of R.A. 7160 (Local Government Code of 1991).

SECTION 4. Contracts with LGU — The Authority may enter into contracts or agreements with Local Government Units for the co-management of outports under such terms and conditions as the Authority may deem proper to impose, or enter into other transactions or undertakings of whatever nature which are necessary or incidental to the Authority's functions and objectives.

ARTICLE XI
General Guidelines in the Granting of Cargo Handling Contracts/Permits

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SECTION 1. Statement of Policy — It is the policy of the Authority that cargo handling operations in government ports shall be awarded through public bidding to enhance efficiency in cargo handling operations. Provided that the Authority may renew cargo handling permits/contracts to operators with existing licenses found to have rendered satisfactory performance after proper audit and evaluation; Provided, further, that in case of private ports, the Authority shall issue permits for cargo handling services subject to the criteria and standard that it may establish and to such terms and conditions it may deem proper to impose in the public interest.

SECTION 2. Ports with Low Cargo Volume — For ports with low cargo volume, the General Manager shall have the authority to grant cargo-handling contracts/permits with a term not to exceed one (1) year and impose the terms and conditions relative thereto. Ports are considered to be with low cargo volume where the total cargo throughput does not exceed 5,000 metric tons a month or where cargo handling operation is primarily manual.

SECTION 3. Capital, Equipment, and Labor — All CHSPs shall have sufficient capital and adequate cargo handling equipment, gears and tools, including manpower, commensurate with the operational needs of the service and its expansion. Its labor force shall be free of misfits, police characters and persons considered notoriously undesirable who shall be weeded out of the service subject to applicable labor laws, decrees and regulations on the matter.

SECTION 4. Supplementary Guidelines — The General Manager shall have the power to issue supplementary guidelines in the granting of contracts/permits of cargo-handling services to effectively carry out the foregoing policies and objectives, subject to review by the CPC.

ARTICLE XII
Protest on Collection of Port Charges, Penalties and Fines

SECTION 1. Protest and Payment Under Protest — In the collection of port charges, dues or fees, and in the imposition of administrative fines and penalties for violations of port rules and regulations, traffic and safety regulations and other existing regulations/policies issued/adopted by the Authority or which the latter may hereafter provide or when a ruling of a division head or his representative is made whereby liability for port charges is determined, the party adversely affected may protest such action by presenting to the said division head or representative concerned at the time when payment of the amount claimed to be due the government is made, or within seven days (7) thereafter, a written protest setting forth his objection to the fine or penalty imposed or the action or ruling in question, together with the reasons therefor.

No protest shall be considered unless payment of the amount due has first been made.

SECTION 2. Protest Exclusive Remedy — In all cases subject to protest involving fines or penalties, and port charges, the interested party who desires to have the action of the CPA division head or his representative reviewed, shall make a protest, otherwise, the action of the said officer shall be final and conclusive against such party, except as to matters correctible for manifest error.

SECTION 3. Form and Scope of Protest — Every protest must be in writing and shall point out the particular decision taken or objection made, and indicate with reasonable precision the particular ground or grounds upon which the protesting party bases his claim for relief.

The scope of a protest shall be limited to the subject matter of a single adjustment or other independent transaction; but any number of issues may be raised in a protest with reference to the particular item or items constituting the subject matter of the protest.

SECTION 4. Nature of Proceedings — The proceedings shall be non-litigious and summary in nature. The Rules

of Court shall apply only in suppletory character.

SECTION 5. Decision — The division manager concerned or his representative shall decide the protest within fifteen (15) days from the date the same is submitted for decision. The decision of the division manager or his representative shall become final after ten (10) days from receipt thereof by the parties concerned.

SECTION 6. Appeal — Any person aggrieved by the decision of the division manager concerned or his representative may, within ten (10) days from receipt of a copy of said decision, elevate the matter to the General Manager. The division manager concerned or his representative shall forthwith transmit all records of the case to the General Manager. An appeal fee of P200.00 and a legal research fee of P100.00 shall be collected from the appellant. An appeal without prior payment of the said fees may be dismissed.

SECTION 7. Action on Appeal — The General Manager shall, within thirty (30) days from receipt of the records of the case, render his decision on the appeal. The General Manager may, however, refer the case on appeal for study and review to the Legal Officer of the Authority. The latter shall, within ten (10) days from referral, submit his findings and recommendations to the General Manager. Thereafter, the General Manager shall render his decision either adopting in part or in toto the findings of the Legal Officer or modify or substitute the same.

SECTION 8. Appeal to the CPC — Within ten (10) days from receipt of a copy of the decision, a person aggrieved by the decision of the General Manager may further appeal the same to the CPC, which shall render its decision within thirty (30) days from receipt of the appeal and the records of the case. The decision of the CPC shall become final after fifteen (15) days from receipt of a copy thereof by the parties.

SECTION 9. Automatic Review — All decisions of a division manager or his representative in a protest case involving an amount of Ten Thousand Pesos (P10,000.00) or over which is adverse to the government shall within five (5) days from the date of receipt of the decision, be submitted to and automatically reviewed by the General Manager; the same procedure provided in Section 7 hereof shall be followed. Likewise, all decisions of the General Manager, which is adverse to the government, shall within five (5) days from date of the decision, be submitted to and automatically reviewed by the CPC. The CPC shall render its decision within thirty (30) days from receipt of the records of the case. If no decision is made within said period, the decision shall be deemed to have been affirmed and the same shall become final.

SECTION 10. Power of General Manager — The General Manager may issue such order as may be necessary to implement the administrative details on the matter of protest.

ARTICLE XIII
Pilotage

SECTION 1. Pilotage District of Cebu — The waters and harbors which comprise the territorial jurisdiction of the Cebu Port Authority.

SECTION 2. Compulsory Pilotage Service — For entering a harbor and anchoring thereat or passing through navigable rivers, straits, channels within the Pilotage District of Cebu, as well as shifting, docking and undocking, every vessel with 500 GRT and above, engaged in coastwise or foreign trade shall be under compulsory pilotage. However, ship captains or masters of domestic vessels that regularly call at a government port may be allowed to pilot their own vessels, provided they are duly permitted by the Authority under such terms and conditions it may impose as may be consistent with existing government regulations.

SECTION 3. Exemption — In the following cases, pilotage service is not compulsory:

a. Government vessels not engaged in commercial trade;

b. Vessels of foreign government(s) entitled to courtesy; and,

c. Vessels calling at private ports not located within a designated channel and whose owners/operators have waived the requirements on compulsory pilotage.

SECTION 4. Authorization For Pilots —

a. The Authority shall grant a permit to such number of pilots to operate or maneuver vessels to berths or anchorage within the Pilotage District as the Authority deems necessary for the purpose of providing safe and efficient pilotage service.

b. No person shall be granted a permit as a harbor pilot of any vessel within the Pilotage District unless he has passed the required examinations therefor given by proper agency of the government; and has been issued a license by the PCG and a permit by the Authority.

SECTION 5. Revocation of Pilot's Permit — Permit issued by the Authority to a pilot to operate or maneuver vessel shall be subject to suspension or revocation for cause in connection therewith.

SECTION 6. Pilotage Fees and Rate — All pilotage fees and rates chargeable for pilotage services in a Pilotage District shall be subject to the approval of the Authority. For the privilege of having been granted a permit to operate within the Pilotage District, a privilege fee of not less than ten percent (10%) of the gross income of the pilot organization shall be charged by the Authority and paid under such guidelines established by the Authority, without prejudice to the option of the authority to impose a direct collection system. Provided, that the rate of privilege fee established herein shall be subject to periodic review by the CPC.

SECTION 7. Discipline of Pilots — The Authority shall regulate, supervise, and ensure the maintenance of good conduct and discipline of all pilots and may require its Chief Pilot to submit a report to the Authority on any pilot where there is a reason to believe that public interest or the efficiency of pilotage service is involved.

SECTION 8. Investigation of Pilot — Upon indorsement by the General Manager of a complaint, either at his own initiative or upon complaint under oath by other persons, against any pilot for negligence, inefficiency, incapacity or violation of pilotage rules and other regulations of the Authority, the Legal Officer of the Authority shall conduct an investigation and submit his report and recommendations to the General Manager who may adopt the said report in toto or in part. In connection therewith, the General Manager may thereby reprimand, suspend or cancel the permit of the erring pilot and impose the applicable fine as may be warranted.

ARTICLE XIV
General Provisions

SECTION 1. Territorial Coverage — These Regulations shall be applicable to all ports and port facilities, within all seas, lakes, rivers, and all other navigable inland waterways within the Province of Cebu, including the City of Cebu and all other highly urbanized cities which may hereafter be created therein in accordance with Section 6 of R.A. 7621.

SECTION 2. Authority of General Manager to Issue Additional Regulations — The General Manager of the Authority may promulgate such supplementary regulations adaptable or responsive to the peculiar conditions obtaining in the port or in other areas under the territorial jurisdiction of the Authority, or which are necessary to effectively carry out the provisions of this Order, provided that said regulations or rules are not contrary to, or inconsistent with these Regulations.

SECTION 3. Delivery of Notices/Documents — Any notice or document relating to the arrival of any vessel or to the details for working its cargo or to the delivery of goods to the premises of the Authority, including any

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application for a license, pass, permit or permission to be issued by the Authority under these Regulations shall be given or delivered to or made with the General Manager or his authorized representative.

ARTICLE XV
Final Provisions

SECTION 1. Repealing Clause — To the extent consistent with the rules and regulations prescribed by any other government agencies relative to the subject treated in this Order these Regulations shall be in addition or supplemental thereto; provided, however, that these Regulations shall supersede those rules and regulations previously issued by the BOC and the PPA relating to matters such as anchoring, berthing and movement of vessels, handling, storing, custody, movement and delivery of cargo and other related matters within the jurisdiction of the Authority insofar as said BOC or PPA regulations are inconsistent with these Regulations.

All rules, regulations, memoranda and/or Administrative Orders or Circulars, guidelines and policies or parts thereof issued or adopted by CPA which are contrary to, or inconsistent with, these Regulations are hereby repealed , modified or amended accordingly.

SECTION 2. Separability Clause — If for any reason any section or part of these Regulations is declared unconstitutional or invalid by competent judicial authority, the declared or invalid section or part thereof shall not affect the other sections or parts to which such declaration of nullity does not apply or relate.

SECTION 3. Penalty Clause — Violation of any of the provisions of these Regulations shall subject the person involved to the following penalties, to wit:

a. Any person who violates any rules and regulations issued or promulgated by the Authority pursuant to RA 7621 and laws related thereto, shall be punished by imprisonment for not less than one (1) day but not more than six (6) years, and pay a fine of not less than two hundred (P200.00) pesos but not more than one hundred thousand (P100,000.00) pesos.

If the offender is a government official or employee he shall, in addition to imprisonment and fine, be perpetually disqualified to hold any public office.

If the offender is a juridical person, the penalty of imprisonment and fine shall be imposed upon its President and/or Chairman of the Board, Manager, Director, without prejudice to the first paragraph of this Section.

If the offender is an alien, he shall be deported immediately without further proceedings, after serving his sentence and paying the fine.

b. Any license, franchise, authority or permit to exercise any right or privilege, which may have been issued by the Authority in accordance with the rules and regulations issued or promulgated pursuant to R.A. 7621 and related laws shall be deemed withdrawn or revoked upon conviction of the holder thereof.

c. Subject to additions as may be specified in duly promulgated rules and regulations, the following fines shall be imposed for each violation as indicated hereunder:

1. Vessel maneuvering for berth or anchor without the necessary pilot when required by regulations, a fine not exceeding ten thousand pesos.

2. Vessel berthing or mooring or loading or unloading of cargo in places and time not specified or authorized or shifting from its duly authorized berth without permission to do so by the Authority, a fine not exceeding five thousand pesos for domestic vessel and not exceeding ten thousand pesos for overseas vessel;

3. Vessel departing from the port without clearance or permission from the Authority, a fine not exceeding three thousand pesos for domestic vessel and not exceeding ten thousand pesos for overseas vessel;

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4. Vessel allowing loading or unloading by cargo handling operator not duly authorized by the Authority, a fine not exceeding five thousand pesos;

5. Vessel left without marine officer on board and necessary complement to move the same when directed by the Authority due to necessity, a fine not exceeding three thousand pesos;

6. Operator shifting cargo in the port or authorizing withdrawal or entry of cargo in port for stacking without prior clearance from the Authority, a fine not exceeding two thousand pesos;

7. Vessel dumping or causing to spread crude oil, kerosene or gasoline at the piers or within three miles from the nearest coastline; a fine not less than one thousand pesos;

8. Vessel anchoring at any dock, pier, wharf, quay or bulkhead without rat guards, a fine not exceeding two hundred pesos for coastwise vessel, and not exceeding one thousand pesos for overseas vessel;

9. Vessel dumping garbage or slops over the side within three miles from the nearest coastline, a fine not exceeding one thousand pesos;

10. Vessel loading gasoline at a place other than that designated by regulations, a fine not exceeding one thousand pesos;

11. Vessel causing the emission and spread of harmful gas, fumes, and chemicals, a fine not exceeding one thousand pesos;

12. Vessel conducting unauthorized repair work on board, a fine not exceeding one thousand pesos; and

13. Commercial vehicles violating the regulation on from exit and entry to the port area, a fine not less than ten pesos (P10.00) nor more than five hundred pesos (P500.00).

SECTION 4. Effectivity Clause — These Regulations shall become effect

Adopted: 26 May 2000

(SGD.) ANTONIO J.B. ELUMIR, JR.
General Manager

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