

REORGANIZING THE PHILIPPINE PORTS AUTHORITY

EXECUTIVE ORDER NO. 513, November 16, 1978

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WHEREAS, it is the declared policy of the State to implement an integrated program for the planning, development, financing and operation of ports or port districts for the entire country;

WHEREAS, to carry out and implement the foregoing policy, Presidential Decree No. 857 dated December 23, 1975, otherwise known as the Revised Charter of the Philippine Ports Authority, was promulgated;

WHEREAS, there is a compelling need to reorganize the Philippine Ports Authority, in order to make it more responsive to the requirements of optimum port utilization, development and operation;

WHEREAS, the Philippine Ports Authority has already completed the takeover of all the ports in the country, and is fully operational as of January 1, 1978; and

WHEREAS, Presidential Decree No. 1416 grants continuing authority to the President of the Philippines to reorganize the national government;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution and pursuant to Presidential Decree No. 1416, do hereby order the reorganization of the Philippine Ports Authority through the amendment of Presidential Decree No. 857 otherwise known as the Charter of the Philippine Ports Authority, as follows:

Section 1. Section 6, paragraph a) subparagraph (x) of the decree is hereby amended to read as follows:

“(x) To perform such acts or provide such services as may be deemed proper or necessary to carry out and implement the provisions of this Decree, including the adoption of necessary measures to remedy congestion in any government port, and in coordination with the Bureau of Customs in the case of ports of entry.

All subsequent paragraphs are hereby re-numbered accordingly.

Sec. 2. Section 6 is hereby amended by adding a new paragraph to read as follows:

Section 6-c. Police Authority – The Authority shall have such police authority within the ports administered by it as may be necessary to carry out its powers and functions and attain its purposes and objectives, without prejudice to the exercise of the functions of the Bureau of Customs and other law enforcement bodies within the area. Such police authority shall include the following:

- a) To provide security to cargoes, port equipment, structure, facilities, personnel and documents: Provided, however, That in ports of entry, physical security to import and export cargoes shall be exercised jointly with the Bureau of Customs;
- b) To regulate the entry to, exit from, and movement within the port, of persons and vehicles, as well as movement within the port of watercraft;
- c) To maintain peace and order inside the port, in coordination with local police authorities;

- d) To supervise private security agencies operating within the port area; and
- e) To enforce rules and regulations promulgated by the Authority pursuant to law.

Sec. 3. Section 8(b) of the decree is hereby amended to read as follows:

“(b) All other officials and employees of the Authority shall be selected and appointed on the basis of merit and fitness based on a comprehensive and progressive merit system to be established by the Authority immediately upon its organization and consistent with Civil Service rules and regulations, provided, however, that all professional and technical positions shall be considered policy determining, primarily confidential and highly technical in nature. “The recruitment, transfer, promotion, and dismissal of all personnel of the Authority, including temporary workers, shall be governed by such merit system.”

Sec. 4. Article V of the decree is hereby amended by adding a new section to read as follows:

“Section 9-A. National Port Advisory Council – There is hereby created a National Port Advisory Council to be composed of the General Manager of the Philippine Ports Authority as Chairman and a representative each from the Ministry of Labor, the Bureau of Customs, chambers of commerce and industry, import and export associations, the local shipping companies, the foreign shipping companies, arrastre and stevedoring companies, consumers group, shippers council and such other aggrupations as the Authority may deem expedient as members, which shall act as an advisory body to assist the Authority in the formulation of its policies.”

Sec. 5. Section 10, paragraph a) of the decree is hereby amended to read as follows:

“a) The authorized capital of the Authority is hereby increased from three billion pesos to five billion

Sec. 6. Section 28, paragraph c) of the decree is hereby amended to read as follows:

“Section 28. Powers of Harbor Master. – Further to the provisions of any regulation under Sections 26 and 27 of this Decree, the Authority thru the Harbor Master of a Port or Port District may:

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c) Regulate the mooring of vessels and determine the site of loading and unloading of cargoes within the port in coordination with the Bureau of Customs in the case of ports of entry and other government agencies concerned.

The Bureau of Customs shall continue to designate the port of entry for incoming vessels.

Sec. 7. Section 37 of the decree is hereby amended as follows:

“Section 37. Construction and Maintenance Projects. –

a) The Authority shall be responsible for:

general planning, feasibility studies, preliminary engineering, and prioritization of construction projects in public ports whether proposed or existing;

maintenance dredging of public ports taken over by the Authority, involving the deepening of fairways, navigational channels, and slips to restore them to the original designed depths; and

repair and maintenance of public ports taken over by the Authority.

all in accordance with detailed guidelines and program prescribed by the Minister of Public Works, Transportation and Communications or as often as may be required by the President.

Every year, the Authority shall submit a budget of expenditures from corporate and other funds for the approval

of the Ministry of the Budget and the President.

b) The Bureau of Public Works shall serve as the executing agency of the Authority for:

(1) detailed engineering of construction projects in public ports;

(2) construction, including extension, expansion, and reconstruction of public ports, whether by contract or force account;

construction dredging and reclamation of public ports; and

supervision of construction projects in public ports.

all in accordance with the general plans, project priorities, and programs of the Authority, the detailed guidelines prescribed by the Minister of Public Works, Transportation and Communications, and the pertinent provisions of law;

c) Funds from the General Revenue of the National Government authorized for construction projects in public ports shall be released directly to and disbursed by the Bureau of Public Works in accordance with approved general plans, project priorities, and programs of the Authority;

d) Expenditures for construction projects in public ports not funded from general funds shall be approved by the President upon recommendation of the Minister of the Budget;

e) Before undertaking any detailed engineering or construction project in public ports financed out of corporate funds of the Authority, the Bureau of Public Works shall submit to the Authority, for approval, a program of work and expenditures indicating, among other things, the items of work and activities of the project, estimates of costs, and schedule of implementation. Thereafter, a detailed engineering plan or design shall be submitted to the Authority;

f) The Bureau of Public Works shall submit to the Authority periodic progress reports on the status of project implementation.

Sec. 8. Section 39 of the decree is hereby amended to read as follows:

“Section 39. Bureau of Customs. – The Tariff and Customs Code is hereby modified or amended to the extent that all the powers, duties and jurisdiction of the Bureau of Customs concerning the following matters shall be transferred to and be vested in the Authority:

a) All dues, fees and rates collectible on vessels and cargoes under Title VII but excluding Part VII of the Code, as amended by P.D. 34, regardless of the port or place of call of the vessel, whether on government or private port.”

Sec. 9. Section 43 of the decree is hereby amended by adding paragraph c which shall read as follows:

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“(c) The Authority shall have the power to exact reasonable administrative fines in such specific amounts and for such specific violations arising out of the use of the port, as shall be prescribed in rules and regulations which the Authority is hereby authorized to issue for the purpose.

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 in ports declared under compulsory

pilotage 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;

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

5) Vessels 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 clearance from the Authority, a fine not exceeding two thousand pesos;

7) Vessel dumping or causing to spread crude oil, kerosene or gasoline in the bay or at the piers 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 bulk-head 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;

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

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

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 (P10) pesos nor more than five hundred (P500) pesos.

Sec.10. Repealing Clause. – All laws, decrees, orders, rules and regulations, or parts thereof which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

Sec. 11. Separability Clause. – If, for any reason, any section or provision of this Executive Order is declared to be unconstitutional or invalid, the other sections or provisions of this Executive Order which are not affected thereby shall continue in full force and effect.

Sec. 12. Effectivity. – This Executive Order shall take effect upon its promulgation.

DONE in the City of Manila, this 16th day of November, in the year of Our Lord, nineteen hundred and seventy-eight.

(SGD.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(SGD.) JACOBO C. CLAVE
Presidential Executive Assistant

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