

IMPLEMENTING GUIDELINES ON THE PROPER ASSESSMENT AND COLLECTION OF THE 1997 CPA TARIFF RATES ON CARGOES

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f8c300e5e39f/>

Preamble

Pursuant to Sections 7 & 9 of RA 7621 and in order to ensure the proper assessment and collection of the new tariff rates on cargoes under CPA Memorandum Circular No. 16, the following regulations are hereby prescribed:

ARTICLE I

Scope

This Circular shall cover cargoes that are discharged at government/private ports or anchorage areas within the jurisdiction of the Cebu Port Authority pursuant to R.A. 7621.

ARTICLE II Definition of Terms

1. Authority — refers to the Cebu Port Authority
2. Container — means any structure so designed to hold and keep articles, materials and products together inside a hoid in the form of boxes, tanks, or the like, for singular or unit handling and transport, generally having any internal volume or capacity of not less than sixteen (16) cubic meters. It is further defined according to their uses as dry cargo, refrigerated, liquid bulk, platform, open top, solid bulk, ventilated, etc.
3. Containerized Cargoes — means cargoes packed in containers for easy handling or transportation of same as a unit.
4. Created Cargoes — cargoes contained in a case or framework (which is not a container van) with dimensions of less than 16 cubic meters rendering the load to be handled as a unit.
5. Domestic Cargoes — are cargoes brought to a pier, wharf or bulkhead to and from a port within the Philippine waters.
6. Export Cargoes — are cargoes brought to a pier, wharf or bulkhead intended for shipment to a foreign port.
7. Foreign Transshipment Cargo — refers to any article arriving at the port from a foreign port or place and destined for reshipment to another foreign port.
8. Full Container Load (FCL) — means a container loaded with cargoes belonging to a single consignee and/or covered by only one Bill of Lading.
9. General Breakbulk Cargo — means those that are listed in a number of bills of lading, each consisting of different commodities. These include but are not limited to bagged cargoes, crates, cylinders, cases, baskets, bales, rolls, drums and such other like or similar types of packing; including vehicles, live animals, crated or uncrated fowls such as chickens, ducks and the like and other loose cargoes.
10. Import Cargoes — are cargoes coming from a foreign country brought to a pier, wharf or bulkhead by vessel

coming from a foreign port.

11. LCL Container (Less Container Load) — refers to containerized cargoes owned by or belonging to more than one shipper/consignee and/or covered by more than one bill of lading.

12. Minimum Charge — It is the least amount of payment due from port users based on prescribed rates.

13. Port Charges — refer to port dues, dockage at berth, dockage at anchorage, usage and lay-up fees, wharfage, storage fees assessed on the vessel/cargo.

14. Private Port — For purposes of this circular, a private port is a port duly registered with the CPA and which is owned and operated exclusively or commercially by a private person or entity catering to its own cargo or cargoes owned by third parties.

15. Revenue Tonnage — means 1,000 kgs. or 1.0 cubic meters whichever yields the greater amount of revenue.

16. Third Party Cargoes — refer to cargoes not owned by the private port/port facility owner/operator

17. Transit Cargo for Export — refer to any article arriving at any domestic port from another domestic port or place and destined for reshipment to a foreign port.

18. Wharfage — is a charge on all cargoes, whether containerized or not, coming in/going out or transhipped through any port facility.

ARTICLE III

Specific Guidelines

SECTION A. Wharfage

1. Subject to the Charge — The following are subject to the payment of wharfage fee:

1.1 All cargoes whether or not containerized loaded or unloaded at any government or private port. The owner or consignee of the article, or agent of either, is liable for such charge.

2. Assessment of Wharfage

2.1 The One Hundred (100%) Percent Wharfage rates shall be applicable to all cargoes loaded/unloaded at government port facility. However, only Fifty (50%) Percent shall be imposed on cargoes loaded/unloaded at anchorage or midstream.

2.2 All foreign and domestic cargoes whether containerized or not which are loaded/discharged from a vessel in a private port registered with the Authority shall be charged Fifty (50%) Percent of the Wharfage rate for government port per 1995 Port Tariff.

2.3 Wharfage for foreign containerized cargo shall be applied only on FCL containers. LCL foreign containers shall be charged the rates for non-containerized cargoes, except LCL singles where the same shall be charged wharfage on a per box basis, provided no stripping or stuffing is done in port.

As contradistinguished from LCL containers, LCL singles refer to containerized cargo owned by one or more than one shipper/consignee but covered by only one bill of lading.

2.4 Wharfage for domestic containerized cargoes shall be applied for both FCL and LCL containers and shall be charged on a per box basis provided no stripping or stuffing is done in port.

2.5 Foreign and domestic non-containerized cargoes shall be charged wharfage every time they are loaded or

unloaded in a port based on their total revenue or metric tonnage, whichever is applicable, rounded off to the nearest to in case of non-containerized cargo, or per box basis in case of containerized cargoes.

2.6 Empty containers (domestic or foreign) shall not be charged wharfage provided such empty containers are owned by the carrying vessel. However, empty containers (Foreign or Domestic) which are transported to any Philippine port which are not owned by the carrying vessel as evidenced by their covering shipping documents or manifested as commercial cargo shall be subject to wharfage.

2.7 Foreign Transshipment Cargo shall be charged wharfage only upon entrance at the port per metric ton, revenue ton or per box whichever is applicable, payable by the shipping line/agent. Outgoing Foreign Transshipment Cargo shall no longer be charged Wharfage.

2.8 Import cargo shall be subject to foreign Wharfage rate at the port of entry and coastwise movement of said cargo shall be also subject to domestic wharfage. The reverse shall apply to export cargo.

2.9 Claims for exemption from payment of wharfage fee under Presidential issuances or laws shall be accompanied with certified copies thereof and other supporting documents which are relied upon as basis for exemption. In case of any doubt as to the interpretation of certain provisions thereof, insofar as wharfage is concerned, the same shall be referred to the General Manager for final resolution before the exemption shall be granted.

2.10 Insofar as the claims for exemption of firms registered with the Board of Investments is concerned, only exportation of the registered products of said firms registered under R.A. #6135, otherwise known as the Export Incentives Act, the Investment Code of 1987 (E.O. 226 or Presidential Decree No. 1789 as amended by Batas Pambansa Blg. 391) shall be exempt from payment of Export Wharfage. Coastwise shipments and Importations of these firms are subject to the payment of wharfage.

2.10.1 Only the main products of the BOI registered company appearing in its certificate of registration is/are exempted from the payment of wharfage for export; and

2.10.2 By-product/s or derivatives of the registered main products are not exempted from wharfage.

2.10.3 The fact of registration of companies/firms claiming exemption from the payment of export wharfage fee shall primarily be ascertained and established from the original or certified true copy of the certificate of registration.

2.10.4 The Certificate of Registration shall be scrutinized to ascertain whether the firm/product is registered under the Investment Code of 1987 (E.O. 226 or Presidential Decree No. 1789 as amended by Batas Pambansa Blg. 391) which provides for a ten (10) year exemption period reckoned from the date of registration of the export product or start-up of operation, whichever comes later. This is to ensure that no exemption will be granted after the lapse of the period of exemption.

2.10.5 Enterprises registered with the BOI under laws prior to the abovementioned laws shall continue to enjoy the incentives indefinitely. (Refer to the list of BOI registered companies released by the Resource Management Division for further particulars as to the status of operation of the registered firms).

2.10.6 In case if doubt as to eligibility of the BOI registered enterprise to avail of the exemption from export wharfage on its export product, such doubt must generally be resolved against exemption. Meantime the appropriate wharfage fees shall be assessed and be required to be paid under protest. All payments made in accordance with this paragraph shall be submitted by the concerned Terminal Office to the General Manager for proper disposition.

SECTION B. Refund of Port Charges

1. Refund for overpayment or double payment of port charges shall be entertained only after a formal written

request is made.

2. Credit Memos for refund of overpayment or double payments shall be made only after thoroughly ascertaining that in fact a double payment or overpayment did occur.

3. Requests for refund shall be filed within three (3) months from the date of actual payment of port charges by the consignee, shipper, or broker, as the case may be. Failure by the claimant to file his claim within this period will cause the forfeiture of his right for refund from the date a Bill of Charge becomes due and payable. The mere receipt of deposit for port charges which are not yet due and payable shall not constitute payment of port charges which shall be applied against the corresponding Bill of Charge.

SECTION C. Exemptions from Port Charges

1. Scraps (including engine and other vessel parts, excluding appliances) resulting from shipbreaking of foreign vessels which are re-exported or sold locally shall be exempted from wharfage. Scraps resulting from shipbreaking of domestic vessels shall likewise be exempted from wharfage.1.1 The wharfage exemption of scraps resulting from shipbreaking of foreign/domestic vessels shall extend up to the final port of destination. That is, such exemption shall be observed in all the other ports where the scraps will be loaded and/or unloaded.

1.2 To further help and promote the shipbreaking industry, the exemption from the payment of wharfage shall be observed even when there is a change of ownership of the scraps i.e., from the original shipbreaker to the buyer or buyers thereof, as evidenced by shipbreaking contract and deed of sale of scrap.

1.3 To be entitled to the exemption to the firm which desires to shipbreak its vessel shall officially notify the Authority prior to the start of the shipbreaking. The following information shall be supplied to the Authority.

1.3.1 GRT and Deadweight Tonnage of the vessel;

1.3.2 Age of the vessel;

1.3.3 Origin of the vessel and place of the shipbreaking yard; and

1.3.4 Estimated volume of the scraps including engine.

2. Donations from international or local organization duly authorized or registered by the DSWD or the Office of the President shall be exempted from wharfage.

2.1 The exemption of relief goods by the DSWD covered by the diplomatic notes 1071 and 3001 are exempt from port charges.

3. Empty containers which are brought into the Philippines and/or transhipped to other domestic ports for use in the exportation of Philippine products shall be exempt from wharfage.

4. Mailbags shall not be subject to wharfage.

4.1 However, articles or merchandise sent through the mails but not contained in mailbags are subject to wharfage.

ARTICLE IV

Repealing Clause

All CPA issuances, memoranda, circulars, rules and regulations, policies or parts thereof inconsistent with or contrary to any of the provisions of this circular are hereby accordingly modified or repealed accordingly.

ARTICLE V

Separability Clause

If, for any reason, any Section or provision of this circular is declared to be unconstitutional or invalid, the other sections or provisions of this circular which are not affected thereby shall continue in full force and effect.

ARTICLE VI

Effectivity

This Circular shall be published twice (once a week), for two (2) consecutive weeks in a newspaper of general circulation, and shall take effect on 01 November 1997.

Adopted: 29 Sept. 1997

(SGD.) RAUL T. SANTOS
General Manager

ABOUT BATAS.ORG

Study smarter at BATAS.org

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

The complete Philippine law library - free for everyone.

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

Audio case-brief lectures.

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

Bar review built on the science of memory.

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

The full law-school curriculum.

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

Mock exams that tell you where you stand.

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

A study planner that keeps you on pace.

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

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

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

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

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