

APR 08 2020



PPA ADMINISTRATIVE ORDER
NO. 03 - 2020

TO : All Port Managers
Terminal Operators
Cargo Owners/Brokers/Truckers/Shipping Lines
Others Concerned

SUBJECT : **GUIDELINES IMPLEMENTING JOINT
ADMINISTRATIVE ORDER (JAO) 20-01 IN THE PORT
OF MANILA UNDER THE JURISDICTION OF THE
PHILIPPINE PORTS AUTHORITY (PPA)**

1. LEGAL BASES

- 1.1 Presidential Decree No. 857, as amended
- 1.2 Republic Act No. 11469, otherwise known as the "*Bayanihan to Heal as One Act*"
- 1.3 Inter-Agency Task Force (IATF) on Emerging Infectious Disease issued Resolution No. 16 (s. 2020) dated March 27, 2020
- 1.4 Memoranda of the Executive Secretary dated March 18, 2020 and March 28, 2020, on the implementation of temporary emergency measures under Republic Act No. 11469
- 1.5 Board Resolution No. 2900 dated April 8, 2020

2. OBJECTIVES

- 2.1 To provide rules governing the expeditious berthing of vessels, and ensure that the handling, delivery and transfer processes of cargo loaded/discharged continue unimpeded at all times.
- 2.1 To direct and authorize the Terminal Operators of Manila International Container Terminal (MICT) and South Harbor to maximize the terminals' operating capacity by immediately transferring overstaying imported cargoes from the terminals to designated ports and underutilized facilities.
- 2.3 To prescribe free storage period for refrigerated cargoes and dry vans during the Enhanced Community Quarantine (ECQ) to facilitate their immediate withdrawal in order to prevent disruption to the supply chain, especially for basic commodities and services, to the maximum extent possible.



3. SCOPE

This Administrative Order (AO) shall apply to the following reefer containers and dry vans in MICT and South Harbor:

- a. Chilled category that are more time-sensitive, such as but not limited to pharmaceuticals/medicines, fruits, vegetables, chilled meat or other foodstuffs;
- b. Frozen category; and,
- c. Dry goods, including but not limited to Out of Gauge (OOG) cargoes, described as heavy equipment or project cargoes stored on flatbed chassis.

4. WITHDRAWAL OF REEFER CONTAINERS AND DRY VANS

4.1 FOR OVERSTAYING CARGOES AT THE TERMINAL

- 4.1.1 All dry vans and refrigerated containers must be pulled out of the terminals within 7 days, except for Chilled cargoes which are given 5 days from the April 4, 2020. Reefers that are unclaimed after 3 days from said period shall be declared abandoned by the Bureau of Customs (BOC).
- 4.1.2 Cargoes in the terminals beyond 30 days from date of discharge are required to be withdrawn within 5 days from April 4, 2020. Cargoes not withdrawn within said period will be considered abandoned and forfeited in favor of the government, in accordance with applicable laws and subject to immediate disposition by the BOC, upon approval by the Secretary of Finance.
- 4.1.3 Terminal Operators are directed to cause the pullout of reefers from the customs yard for relocation to a suitable place where the appropriate government authority can make a proper determination as to whether goods inside are still viable. If the shipment is found to be unfit for human consumption and condemned by the BOC, shipping lines shall defray the cost of condemnation to be carried out by the condemnation contractor accredited by the BOC.

4.2 FOR ARRIVING CARGOES

- 4.2.1 Reefer containers scheduled to arrive after April 4, 2020 must be withdrawn within ten (10) days from discharge. Otherwise, they shall be considered abandoned and shall be forfeited in favor of the



government in accordance with BOC and DOE rules and regulations.

5. FREE STORAGE PERIOD (FSP)

5.1. FSP for Reefer Containers and OOG cargoes shall be a maximum of five (5) days from date of discharge.

5.2 After the FSP, the Terminal Operators shall transfer the cargoes to a designated port at the expense of importer/consignee in accordance with PPA AO No. 02-2019 and Memorandum Circular No. 11-2020.

6. ISSUANCE OF ELECTRONIC GATE PASS

To facilitate and expedite the release of cargoes, the Terminal Operators shall adopt and implement digital or electronic systems to expedite entry/exit access to port/terminal gates, delivery and withdrawal, and loading/discharging of cargoes.

7. PULLOUT/TRANSFER OF REFRIGERATED CONTAINERS AND DRY VANS

7.1 Overstaying reefers or refrigerated containers and dry vans being stored or kept at the terminals shall be moved immediately to a designated port. A designated port refers to any dry port, inland container terminal, depot and seaport entry which is designated by PPA or Terminal Operator as alternative port other than the port of discharge where cargo maybe transferred pursuant to PPA AO No. 02-2019 and Memorandum Circular No. 11-2020. Other locations may be jointly designated by the BOC and PPA.

7.2 In case of reefers transferred to a designated port or alternative reefer sites for storage, all expenses that will be incurred in relation to the transfer, including, but not limited to, transportation, examination and re-scaling thereof before, during and after the transfer shall be borne by the Terminal Operators, without prejudice to the right of the Terminal Operators to collect from the cargo owner, importer or consignee, or from their respective agents or brokers the applicable costs, port and terminal fees and other charges.

7.3 The empty containers shall be returned to the shipping lines that own them or to their owners.

7.4 Lease rental for alternative reefer sites shall be borne by the Terminal Operators, subject to collection of appropriate handling, forwarding, and storage charges from the beneficial cargo owner.



8. PUBLICATION OF LIST OF OVERSTAYING REEFER CONTAINERS AND DRY VANS

The Terminal Operators shall cause the publication of the list of reefer containers pending in the port, including the name of consignee, through government websites, and social media sites and in leading newspapers, with the notice that non-withdrawal within 7 days shall result to the forfeiture of said cargoes in favor of the government in accordance with the procedures of the BOC and Department of Finance (DOF).

9. 24/7 OPERATIONS

Terminals shall continue to remain open twenty-four (24) hours, except on Good Friday, and shall expedite the entry/exit of trucks with confirmed bookings to pick-up/deliver containers and shall ensure the 24/7 operation of the Terminal Appointment Booking System (TABS).

10. REPORTORIAL REQUIREMENTS

The Terminal Operators shall submit to the Port Manager, PMO NCR-South a Daily Report covering the transfer of cargoes covered by this AO, with the following details:

- a. No. of containers transferred, specifying the Container Numbers and Consignees;
- b. Designated port/area where the containers were transferred;
- c. No. of containers released to consignees; and
- d. Incident reports, if any.

11. SUPPLEMENTARY APPLICATION OF PPA AO NO. 02-2019

The provisions of PPA AO No. 02-2019, entitled "*Guidelines on the Immediate Transfer of Overstaying Import Cargoes from the Terminals to Designated Ports*", shall be supplementary to this AO.

12. PENALTY CLAUSE

Violation of any of the provisions of this AO shall subject the concerned individual or entity to the penalties provided under Presidential Decree No. 857, as amended, and relevant PPA issuances.



13. SEPARABILITY CLAUSE

If, for any reason, any section or part of this AO is declared unconstitutional or invalid by any competent or judicial authority, the declared or invalid section or part thereof, shall not affect the other sections or parts.

14. REPEALING CLAUSE


All existing rules, regulations and guidelines or parts thereof which are inconsistent with any part of this AO are hereby repealed or modified accordingly.

15. EFFECTIVITY

This AO shall take effect immediately after its publication once in the Official Gazette or in a newspaper of general circulation. The Office of the National Administrative Register (ONAR) of the UP Law Center shall be furnished the required number of copies of this AO.


JAY DANIEL R. SANTIAGO
General Manager

With conformity:


ARTHUR P. TUGADE
Secretary
Department of Transportation