



AUG 14 2020

PPA ADMINISTRATIVE ORDER
NO. 06 - 2020

TO : ATI Batangas, Inc. (ATIB) / Asian Terminals, Inc. (ATI)
Batangas Harbor Pilots' Association
Shipping Lines/Companies
Others Concerned

SUBJECT : **GUIDELINES ON BERTH MANAGEMENT AT THE BATANGAS
CONTAINER TERMINAL (BCT), PORT OF BATANGAS**

1. Legal Bases

- 1.1 Section 6-a (v) and 26 of Presidential Decree (PD) No. 857, as amended
- 1.2 PPA Administrative Order (AO) No. 13-77, "General Port Regulations of the Philippine Ports Authority"
- 1.3 Article IV of the Contract for the Management, Operation, Maintenance and Development of Phase 2, Port of Batangas, entered into by and among the Philippine Ports Authority (PPA) and ATI Batangas, Inc. (ATIB) jointly with Asian Terminals, Inc. (ATI) on October 2, 2015
- 1.4 PPA Board Resolution No. 2922 dated July 30, 2020

2. Scope

This Order shall apply to all vessels calling or intending to call at BCT, Port of Batangas.

3. Objectives

- 3.1 To provide guidelines governing the transfer of the authority to approve berth applications and issue berth assignments from PMO Batangas to ATIB/ATI as the authorized Terminal Operator at BCT, Phase II.
- 3.2 To establish the responsibility of ATIB/ATI and PPA in undertaking berth management at Phase II, BCT.
- 3.3 To ensure safety in ports and prevent damage to the port facilities and the ships berthed thereat.

4. General Guidelines

- 4.1 "Berth Management" is defined as a set of principles, rules and procedures designed to maximize the efficient use of a port's berth or docking facility in a systematic, non-discriminatory and timely manner for the use and benefit of maritime transport. As a matter of policy, the common-user and the "first come-first serve" basis shall be the general rule in determining berthing priorities of vessels, subject to the exceptions provided in this Order.
- 4.2 The PMO, through its Harbor Master, shall at all times perform oversight function over berth management at BCT, especially during extraordinary conditions, such as inclement weather, port congestion and other conditions on port safety which decisions on vessel movements within the port calls for the approval of the Port Manager.
- 4.3 The management of berth assignment at pier side of BCT, Phase II, shall be the responsibility of ATIB/ATI.

5. Specific Guidelines

5.1 Berth Application

All Notice of Arrivals and Applications for Berth (NOA/ABA) for arriving vessels shall be filed by the Masters of vessels or ship agents with ATIB/ATI, copy furnished the Marine Section and VTMS, PMO - Batangas.

The conduct of Berthing Meeting shall be mandatory for purposes of berth allocation. ATIB/ATI shall allocate the berth and shall provide PMO - Batangas (Marine Section and VTMS) with copies of the approved ABA and Daily Berthing Order

5.2 Departure Clearance

Departure clearance of vessels shall continue to be secured from and granted by PPA. ATIB/ATI shall ensure that clearance from PPA has been secured before allowing the departure of the vessel.

5.3 Berthing Priorities

The "first come-first serve" policy on berth allocation based on the Estimated Time Arrival (ETA) of the vessel shall be observed. However, the following shall be given order of priority to berth:

- 5.3.1. At BCT – Port of Batangas, incoming foreign container vessels shall have priority for berth.

in cases where other vessels will be allowed to berth due to extraordinary circumstances, the following priority shall be observed:

- 5.3.1.1 Vessels in distress or state of emergency when life or property is endangered, unless berthing is not required in said emergency. A vessel berthing solely for the purpose of bunkering, loading fresh water or victualling shall have the same priority as a vessel in distress.
- 5.3.1.2 Vessels of the Philippine Government during the duration of the official business; and vessels of foreign government on goodwill visit to the Philippines.
- 5.3.1.3 Vessels carrying embarking/disembarking passengers.
- 5.3.1.4 Vessels carrying supplies and relief goods including perishable goods for unloading without delay.
- 5.3.1.5 Vessels intending solely for the purpose of loading fresh water, bunkering or victualing before such vessel will be able to depart for another port provided that such stay time shall not exceed the allowable period of time.
- 5.3.1.6 Other vessels when public interest so requires.

5.3 Shifting of Vessels

- 5.4.1 ATIB/ATI shall be responsible for the issuance of shifting order to vessels that will be shifted from one berth to another berth.
- 5.4.2 The shifting of a vessel from berth to the anchorage area shall require prior clearance by PPA. ATIB/ATI shall provide PPA with a copy of said shifting order to assign the coordinates of the vessel's designated anchorage area.

5.4 Reporting System

The ATIB/ATI, in coordination with the VTMS Control Center, shall submit to PMO – Batangas a Daily Report on all arrivals/departures of vessels calling at BCT Port of Batangas, including any shifting/movements to other berths, the berth/anchorage assignment and the length of stay of vessels. From time to time, PPA may require other shipping data from ATIB/ATI as deemed necessary and appropriate.

5.5 Prohibition

In order to maximize the utilization of available berths at BCT, vessels are prohibited to undertake repairs at berth.

6. Regulatory Powers of PPA

- 6.1 PMO Batangas shall have oversight authority and regulatory powers over berth management at BCT Phase II to ensure the safe and efficient

management of berthing facilities and the smooth flow of cargo and passengers in and out of the port.

- 6.2 PPA, through PMO Batangas, shall have the power to collect port charges due from vessels.
- 6.3 PPA, through PMO Batangas, shall have the power to resolve conflict of berthing assignments arising from emergency, crisis, natural calamities, strikes and pier congestion.
- 6.4 PPA, through the Office of the General Manager or Office of the Assistant General Manager for Operations, shall have the authority to override berth management directives of PMO Batangas and/or ATIB/ATI.
- 6.5 Nothing in these guidelines shall preclude PPA from withdrawing the authority granted herein for failure to achieve the intention of this Order.

7. Penalty Clause

Non-compliance by the Master of the vessel/shipping line owner or their authorized representatives to the shifting order issued by PPA/ATIB-ATI shall subject the person/company involved to the penalties prescribed under Section 43 of PD No. 857, as amended, and under any other laws that may be applicable thereto.

8. Repealing Clause

All rules, regulations guidelines and other issuances or parts thereof which are contrary or inconsistent herewith are hereby repealed or modified accordingly.

9. Effectivity

This Order shall take effect fifteen (15) days after publication in any newspaper of general circulation and a copy filed with the University of the Philippines Law Center.

JAY DANIEL R. SANTIAGO
General Manager

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