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 5th Floor, B. F. Condominium
 Aduana, Intramuros, Manila

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 Ministry of Transportation and Communication

April 20, 1983

PPA ADMINISTRATIVE ORDER
 NO. 04 - 83

T O : ALL PORT MANAGERS, SHIPPING
 COMPANIES, ARRASTRE/STEVEDORING
 CONTRACTORS AND OTHERS CONCERNED

SUBJECT : Guidelines in the Issuance of
 Berthing Permit and Related Berthing
 Instructions to Vessels Engaged in
Coastwise Trade

Pursuant to Section 26 of P.D. 857, the Revised Charter of the Philippine Ports Authority, and to Article IV of PPA Administrative Order No. 13-77, the following guidelines on the issuance of berthing permit are hereby prescribed to ensure optimum utilization of available berthing/anchoring spaces.

Article I - Preliminary Provisions

Section 1. Scope. - This Order shall apply to the berthing/anchoring of interisland vessels calling at ports.

Section 2. Statement of Policy. - As a general rule, the first-come, first serve (based on ETA of vessels) policy on berthing embodied in PPA Administrative Order No. 13-77 shall be followed. This rule, however, maybe modified in the following cases:

1. A vessel in distress or emergency when life or property is endangered. A vessel berthing solely for the purpose of bunkering, loading fresh water or victualling shall have the same priority as a vessel in distress;
2. A vessel of the Philippine government on official business;
3. A passenger vessel with at least (10) passengers to disembark;
4. A vessel carrying perishable goods or livestock for unloading without delay; and

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P. O. BOX
 PA 62

CABLE ADDRESS:
 "PHPORTS" MANILA

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 TELEX (ITT) 40404
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5. Other vessels when public interest so requires or when equitable consideration has to be taken into account in the case of shipping company that has established port facilities under a lease grant of a portion of the government pier, without prejudice to the PPA policy on common use.

Article II - Procedures

Section 3. Filing of Application for Berth/Anchorage, Conduct of Berthing Meeting and Issuance of Berthing Permit.

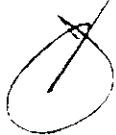
a) The ship agent (SA) at port of origin or ship's master shall notify the SA at the port of destination or next port of call of advance shipping and inbound cargo information by the fastest means of communication;

b) The SA at the port of call shall submit not later than 0900 hours daily an Application for Berth/Anchorage (ABA) to the Harbor Operations Unit or in the absence of such unit, to the PMU Port Operations Unit, in two (2) copies.

Application not submitted on or before the prescribed time shall be considered as an application for the following day. In cases where filing of an ABA is not possible, as in the case of some tramping vessels, the required shipping and inbound cargo information shall be communicated to the PMU's Harbor Operations Unit or Port Operations Unit, as the case maybe, by the fastest means of communication available which should not be later than thirty-six (36) hours before the ETA of the vessel at the port. Vessels enumerated in Section 2 hereof shall have berthing priority and may, if filing is not possible within the time prescribed, submit their application for berth to the PMU Harbor Operations Unit immediately after the vessel has berthed at pierside;

c) The receiving Clerk in the PMU's Harbor Operations Unit or Port Operations Unit, as the case maybe, shall acknowledge receipt of ABA and return a copy thereof to the SA and inform him to attend the berthing meeting at 1000 hours;

d) The Harbor Master (HM) shall accomplish a Tentative Berthing/Anchorage Schedule (TBAS) in four (4) copies* not later than 1000hrs. daily based on the ABA filed by SA, communications received directly from Ship's Masters, the PMU Daily Progress Report on Berth Situation (DPR) and Arrastre Cargo Handling Operations Report which foregoing documents shall contain cargo discharging and loading program information, the estimated time of departure of ships still at berth and estimated availability of storage facilities/spaces in transit shed/warehouses for the next twenty-four (24) hours.



The TBAS shall present information on ships now at berth/ anchorage, ships already in port but are still waiting for berth and the tentative berth/anchorage allocation to incoming ships for the next twenty-four (24) hours (1200 hrs. of one day to 1200 hrs. of the following day).

- *o Copy 1 - PMU Harbor Master
- o Copy 2 - Chief Pilot
- o Copy 3 - Arrastre Company Superintendent
- o Copy 4 - Port Operations Officer

e) The HM shall conduct, and preside over the Daily Berth Allocation meeting every 1000hrs. to be participated by -

- o Chief Pilot
- o Arrastre Company Superintendent
- o Ship Agent with vessels waiting for berth or arriving during the next twenty-four (24) hours
- o POO/APOO or his designated representative

and evaluate comments and suggestions thereon given by the participants and decide on the berth allocation of ships arriving within the next twenty-four (24) hours; and

f) As soon as berths for incoming ships have been decided upon by the HM, he shall cause the preparation of the Daily Berthing/Anchorage Schedule (DBAS) in the prescribed format attached hereto as Annex "A" in six (6) copies* which shall be duly signed by him and approved by the Port Manager or his duly authorized representative upon the recommendation of the Port Operations Officer. A blown-up DBAS shall be posted in a conspicuous place in the PMU.

- *o Copy 1 - Port Manager
- o Copy 2 - Port Operations Officer
- o Copy 3 - Arrastre Company Superintendent
- o Copy 4 - Chief Pilot
- o Copy 5 - Ship Agent
- o Copy 6 - Harbor Master

Section 4. Changes in Daily Berthing/Anchorage Schedule. Changes in the original DBAS, if required under reasonable circumstances, shall, likewise, be prepared and signed by the HM upon recommendation of the POO and shall be approved by the Port Manager or his duly authorized representative, after which all concerned shall be immediately notified by the HM.

Section 5. Validity of Berthing Permit. - The reasonable waiting period for a vessel which has been granted a berthing permit to dock at its designated berth shall not exceed two (2) hours counted from its estimated time of



arrival at the port. If after the lapse of the grace period, said vessel still does not arrive, the berthing permit shall be cancelled and the priority to berth shall be passed on to the vessel having the next priority to berth.

However, if an amendment/revision to the berthing permit is submitted by the SA within twenty-four (24) hours before the estimated time of arrival for vessels on scheduled runs and thirty six (36) hours for tramping vessels, the HM may extend, subject to the approval of the Port Manager or his duly authorized representative, the grace period prescribed above, provided that his decision shall not adversely affect/alter the berthing schedule of other vessels.

Section 6. Time Limit at Berth. - The staytime or time limitation of a vessel at berth shall be determined and authorized jointly by the Harbor Master and the Port Operations Officer based on the arrastre/stevedoring productivity rates for conventional and/or containerized cargoes in the port concerned subject to the limitation prescribed in Section 32 of Article IV of the PPA General Port Regulations (AO No. 13-77). Adjustment of authorized staytime at berth may be given when work on the vessel is delayed due to:

- a) force majeure, such as inclement weather;
- b) labor disturbances in the port; or
- c) lack of/insufficient equipment at dockside or other factors within the control of the arrastre contractor.

In the last instance (par. c), a formal written request for adjustment shall be filed by the shipowner or ship's agent at the PMU Harbor Operations Unit or Port Operations Unit, as the case maybe, before the expiration of the regularly authorized staytime at berth of vessel.

Section 7. Shifting of Vessels After Lapse of Authorized Staytime. - Unless otherwise decided by the Port Manager, or his duly authorized representative, a vessel shall be moved out to the anchorage after her authorized staytime at berth has elapsed or after her berthing permit has expired, whether or not her operations at berth is started or has been completed, when another vessel is waiting to avail of the berth occupied by the said vessel. A shifting order shall be issued by the Harbor Master for this purpose before the shifting shall be undertaken. The vessel thus shifted to anchorage may be considered again for berth allocation, provided the ship's agent shall file a new application for berth and provided, further, that the said vessel shall have the last berthing priority among the vessels considered for berth allocation during the twenty-four (24) hour period immediately after the agent has filed the new application for berth.



Section 8. Shifting of Vessels to Give way to Vessels with Priority to Berth. - In instances where all available berthing spaces are occupied, a vessel remaining idle at berth or simply waiting for cargoes or even vessels undertaking discharging/loading operations may be shifted to anchorage or directed to double-bank with another vessel for which a shifting order shall be issued by the Harbor Master to give way to a vessel having priority to berth under Section 2 of this Order. Staytime of such vessel at berth shall be determined and authorized jointly by the Harbor Master and Port Manager or his duly authorized representative, provided that in no case shall the authorized staytime at berth be more than forty eight (48) hours for this kind of vessel. Vessel shifted to anchorage or directed to double-bank with another vessel by reason of the foregoing circumstances shall be considered again for berth allocation as soon as a berth becomes available.

Section 9. Berthing Restrictions. -

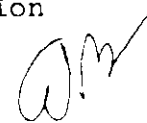
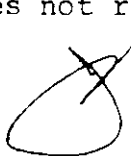
a) A vessel carrying, discharging or loading explosives and other dangerous cargoes shall not be allowed to berth at pierside nor at any anchorage. She shall be anchored at the designated explosive anchorage area; and

b) If a vessel has caught fire on board while on its route to the port or while at anchorage, she shall not be allowed to berth at pierside unless a certification by the Philippine Coast Guard issued by the Commandant or his duly authorized representative is presented as proof that the fire has been completely extinguished, that there is no more danger of explosion and that the vessel is safe to be worked at. If a vessel has caught fire while at pierside, she must be pulled out to the anchorage immediately and shall not be allowed to return at pierside unless the above certification is presented.

Article III - Final Provisions


Section 10. Penalty Clause. - Violation of any of the provisions of these regulations shall subject the person involved to the penalties prescribed under Section 146 of PPA Administrative Order No. 13-77, Section 43 of P.D. 857 as amended by Executive Order 513 and as implemented by AO No. 09-82 and under any other laws that may be applicable thereto.

Section 11. Saving Clause. - Any provision or portion of this Order declared by competent Authority as invalid shall not affect its other parts to which such declaration does not relate.




Section 12. Repealing Clause. - All PPA Orders, rules and regulations, policies, guidelines, circulars or memoranda inconsistent herewith are hereby repealed or amended accordingly.

Section 13. Effectivity. - This Order shall take immediately.


E. S. BACLIG, JR.
General Manager

APPROVED: 9 June 1983


JOSE P. DANS, JR.
Chairman, EPA Board
& Minister, MOTC

POED/POD

Note:

Published in the Official Gazette,
May 2, 1983, Volume 79, No. 18.

May 25, 1983

MEMORANDUM

F O R : The Honorable Minister
Jose P. Dans, Jr.
Chairman of Board, PPA

F R O M : The Acting General Manager, PPA

SUBJECT : Proposed Guidelines in the Issuance of
Berthing Permit and Related Berthing
Instructions to Vessels Engaged in
Coastwise Trade.

Transmitted for approval is the within proposed Administrative Order relative to the above subject. It's salient features are:

1. Actions on the berthing of vessels shall now be coordinated closely between the Harbor Master and Port Operations Officer as vessel movement and cargo handling have to be synchronized;
2. Contains specific exceptions to the general policy of first come-first serve basis;
3. Spells out uniform procedures for the berthing meeting, application and issuance of berthing permit;
4. Provides instances when vessels maybe shifted from berth;
5. Contains also penalty clause by reference to Section 146 of PPAO NO. 13-77.

It is informed that the proposal was referred to the PMUs and CISO-PISA.

For consideration.

MAXIMO S. DUNLAP, JR.

Encl.: As stated

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