

**Republic of the Philippines
PHILIPPINE PORTS AUTHORITY
Bonifacio Drive, South Harbor, Port Area, Manila**

**IN THE MATTER OF THE
APPLICATION FOR NEW
TARIFF AND/OR
ADJUSTMENT OF FEES AND
CHARGES IN ACCORDANCE
WITH THE RULES
GOVERNING THE TARIFF
GUIDE PATH PURSUANT TO
THE OMNIBUS RULES OF
PROCEDURE ON PRIVATE
SERVICE PROVIDER-
INITIATED APPLICATIONS
FOR NEW TARIFF AND/OR
ADJUSTMENT OF FEES AND
CHARGES IN PORTS UNDER
THE ADMINISTRATIVE
JURISDICTION OF PPA**

PPA APPLICATION NO. 20__-00__ CH

**ASIAN TERMINALS, INC.
and ATI BATANGAS, INC.
Applicants.**

X-----X

SWORN FILING

APPLICANTS, ASIAN TERMINALS, INC. (ATI) and ATI BATANGAS, INC. (ATIB), through counsel, unto this Honorable Authority, most respectfully alleges, that:

1. Applicants ATI and ATIB are port terminal operators duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal offices at ATI Head Office, A. Bonifacio Drive, Port Area, Manila and ATI Batangas Inc. Administrative Building, Batangas Base Port, Sta. Clara, Batangas City, respectively, copy of SEC Registrations with updated GIS are hereto attached and marked as "Annex I";
2. Represented herein by ATI's Executive Vice President and the applicants' authorized representative, WILLIAM WASSAF KHOURY, duly authorized by virtue of Board Resolution dated 26 November 2020 and Board Resolution dated 4

February 2021, copy of the Secretary's Certificates of which are hereto attached and marked as Annex "II" and made an integral part hereof. The filing of the instant application is likewise authorized under the aforecited Board Resolutions;

3. Applicants are the holder of a valid contract issued by the Philippine Ports Authority (PPA), copy of which is hereto attached and marked as Annex "III", to operate, manage, maintain, and develop Phase I in the Port of Batangas;
4. Applicants have no outstanding obligation to the Authority, a copy of certification from the Port Management Office (PMO) concerned hereto attached and marked as Annex "IV";
5. Applicants have complied with all their obligations and commitments pursuant to their valid contract with the Authority, a copy of Contract Compliance Report for the last three (3) years from the date of application and certification from the PMO concerned hereto attached and marked as Annex "V".

THE APPLICATION AND ITS PURPOSE

6. This application is filed in compliance with the Contract of the Applicants with the Authority and PPA Administrative Order No. 11-2019 entitled "2019 Omnibus Rules of Procedure on Application for New Tariff and/or Adjustment of Fees and Charges;
7. As provided in Section 11 of the PPA Administrative Order No. 11-2019, the Applicants shall be allowed to request for rate adjustment every three (3) years, as shown below:

"For tariff adjustment – Except as provided in the Contract, there should be NO INCREASE granted in the last three (3) years, and the Consumer Price Index (CPI, All Items, Philippines) has increased by at least five percent (5%), to be reckoned as follows:

- a. New contract – three (3) years from effectivity of the contract.
 - b. Extension/Existing contract – three (3) years from the effectivity of last increase granted."
8. On the date of approval of PPA Board Resolution No. 2805 (as cited in the PPA AO No. 11-2019), the Board promulgated the Omnibus Rules of Procedures on Approval of New Tariff and Adjustment of Fees and Charges on Ports Under the Administrative Jurisdiction of PPA pursuant to Article IV, Section 6, b (iv), (ix) and Article VII, Sections 19 and 20 of Presidential Decree No. 857, as amended, rate of adjustment per tariff shall be adjusted using the following formula prescribed by the Authority pursuant to PPA Administrative Order No. 02-2018:

$$\text{New Approved Tariff} = \text{Existing Tariff} \times \frac{\text{CPI (All Items) Philippines NEW}}{\text{CPI (All Items) Philippines OLD}}$$

wherein:

CPI (All Items) Philippines NEW = the CPI of the immediately preceding year at the time the petition for adjustment of CH tariff is filed.

CPI (All Items) Philippines OLD = the latest CPI considered in the grant of the last increase.

9. Based on the above cited rules, the rate of adjustment was computed by ATI and ATIB, as follows:

$$\text{New Approved Tariff} = \text{Existing Tariff} \times 1.1523$$

wherein:

CPI (All Items) Philippines NEW = 123.3 (Average Monthly for 2020)

CPI (All Items) Philippines OLD = 107 (Average Monthly for 2015; CPI considered in the last increase as of 28 May 2017)

10. ATI and ATIB are attaching in this application the following supporting documents:

- 10.1. Audited Financial Statements for the port and period covered in the requested rate adjustment; (Annex "VI")
- 10.2. Sworn Statement of Revenue for the port and period covered in the requested rate adjustment; (Annex "VII")
- 10.3. Comparative statement showing revenue based on the present authorized tariff and based on the tariff with adjustment; (Annex "VIII")
- 10.4. Summary of investment to include list of equipment for the port and period covered in the requested rate adjustment; and (Annex "IX")

10.5. Business Plan & Itemized List (With Estimated Cost) of Required Investments for the Next Three (3) Years (Annex "X")

PRAYER

WHEREFORE, premises considered, it is respectfully prayed of this Honorable Authority that after due notice and hearing, a Decision be issued approving and authorizing ATI and ATIB to adjust their rate.

Other relief, just and equitable in the premises are likewise prayed for.

ATI Batangas Inc. Administrative Building, Batangas Base Port, Sta. Clara, Batangas City


WILLIAM WASSAF KHOURY

Executive Vice President

Passport No. RD4569280 (valid until 19 June 2023)

ATI Head Office, A. Bonifacio Drive
Port Area, Manila

Republic of the Philippines)
City of Manila)S.S.


**VERIFICATION AND CERTIFICATION
OF NON FORUM-SHOPPING**

I, WILLIAM WASSAF KHOURY, of legal age, Dominican and with office address at ATI Head Office, A. Bonifacio Drive, Port Area, Manila, which is the Main Office of Asian Terminals, Inc., after being sworn to according to law, depose and state that:

1. I am the Executive Vice President of Asian Terminals, Inc. and a Director of ATI Batangas, Inc., duly authorized to represent the said companies in filing the instant application, copy of the corresponding Board Resolutions are attached hereto and made integral part hereof as Annex II;
2. I caused the preparation and filing of the foregoing Application; have read the allegations contained therein, and certify that the same are true and correct based on my personal knowledge and on authentic records;


3. Asian Terminals, Inc. and ATI Batangas, Inc. have not heretofore commenced any other action of proceedings against PPA, the Board and its Technical Working Group (TWG) and any of its officers and employees before any court, tribunal or quasi-judicial agency; to the best of my knowledge no such action or proceeding is pending, and if I should learn that the same or similar action or proceeding has been filed or is pending, I undertake to report such fact to this Honorable Authority, within five (5) days therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand at the City of Manila this ____ day of FEB 08 2021.


WILLIAM WASSAF KHOURY
Affiant

SUBSCRIBED AND SWORN to before me in MANILA CITY, this ____ day of FEB 08 2021, by the affiant who exhibited to me his Passport No. RD4569280, valid until 19 June 2023.

Doc. No. 32;
Page No. 7;
Book No. VIII;
Series of 2021.


ATTY. CHARMINE P. DATOC
Notary Public for Manila
Until June 30, 2021
Notarial Commission No. 2019-053
PTR No. 9803401 / 01-06-2021 / Manila
IBP No. 135632 / 12-18-2020 / Manila
Roll No. 64199