



MAR 19 2024

**PPA ADMINISTRATIVE ORDER**  
**NO. 002 - 2024**

**TO : All Port Managers  
Others Concerned**

**SUBJECT : Amendments on PPA AO 05-2022 - Revised Policy on the Development, Construction, Operations and Maintenance of Private Ports, otherwise known as the "2022 Revised Policy on Private Ports"**

Pursuant to PPA Board Resolution No. 3721, pertinent provisions of PPA AO 05-2022 are hereby amended to be read, as follows:

**Section 6 – Coverage.**

XXX.

The above exemption from PPA AO 05-2022 shall only apply for documentary requirements stated in the policy, including the additional requirement of the ZSPI Plan. All other provisions in this Revised Policy shall be applicable to above mentioned private ports.

The documentary requirements for energy-related projects and the timeframe of the processing of the application shall be in accordance with PPA Memorandum Circular No. 21-2020 or Processing of Private Ports for Energy Related Projects in Compliance with Republic Act No. 11234 or an Act Establishing the Energy Virtual One-Stop Shop for the Purposes of Streamlining the Permitting Process of Power Generation, Transmission and Distribution Projects of the EVOSS Act.

The expanded coverage of the EVOSS Act, includes the following: (i) Coal, (ii) Natural Gas, (iii) Upstream Oil (iv) Downstream Oil (v) LPG, and those other energy related projects that may be included by the Department of Energy.

The applicable policy for documentary requirements for marina, port facilities for recreational boats and similar watercraft, GOCC and LGUs is PPA AO 06-95 until the policies for the said type of private ports have been approved.



**Section 9 – Private Port applicants for non-commercial port shall be any of the following:**

xxx.

- c. **Corporations duly organized under the laws of the Philippines**, including one-person corporations (OPC) composed of Filipino citizens.
- d. Persons or entities forming themselves into a Joint Venture that intend to be jointly and severally responsible and liable for the development, operation and maintenance of a private port.

**Section 18 – Issuance of PDC.** The PDC shall be issued for the applicants for the following:

xxx.

**The approving authority for the issuance of the PDC is the General Manager.**

**Section 24 – Requirements for COR – Eligible applicants shall comply with the following requirements:**

Particulars	Requirements
Certificate of Registration (New)	<p>xxx</p> <p>5. xxx</p> <p><b>However, if approved tenurial instrument is not yet available, copy of Official Receipt of payment of occupancy fee shall be submitted.</b></p> <p>6. xxx (PFSP) xxx</p>
Certificate of Registration (Renewal)	<p>xxx</p> <p>3. Certificate of Structural Soundness of Private Port Facilities shall be signed by <b>Third Party</b> Licensed Engineer.</p> <p>5. xxx</p> <p><b>However, if the OTS Certificate of Compliance is not yet available, the certified true copy of duly received PFSA and PFSP may be submitted, provided further that submission of OTS compliance shall be provided within one year from receipt of the approved renewed COR.</b></p> <p><b>6. Copy of approved Foreshore or Miscellaneous Lease Contract, SAPA or MPSA, whichever is applicable</b></p>

	<p>and/or Approved Deed of Assignment or Transfer of Leasehold Rights and/or other applicable tenurial instruments.</p> <p>However, if approved tenurial instrument is not yet available, copy of Official Receipt of payment of occupancy fee shall be submitted.</p>
--	--

#### **Section 25. Cancellation of COR. xxx**

**Likewise, COR issued may be cancelled in the event that the application for tenurial instrument of the private port was disapproved by the Department of Environment and Natural Resources.**

**Section 27 – Surcharge Fee.** If the application is filed after the said filing period, a surcharge of Php 1,000.00 per day of delay, including interest and penalty shall be imposed to private port applicant. The surcharge shall be counted from the time of the expiration of the COR until the complete filing of the application for renewal and payment of the prescribed filing fee.

**However, interest and penalty for Surcharge fee shall only be applicable if the surcharge fee was not paid in full. Thus, interest and penalty shall be computed until the private port applicant settles the full amount of the surcharge. The basis for the computation of the interest and penalty shall be the balance of unpaid surcharge.**

**Non-renewal of COR for two (2) years shall result in the cancellation of the COR.**

**If the private port owner/operator intends to re-apply for registration, the applicant shall be subject for the payment of application fee + VAT, re-registration fee of Php 100,000 + VAT and equivalent amount of surcharge fee for 2 years and submission of documentary requirements under COR Renewal. This provision shall also apply for private ports whose renewal and/or transfer of COR will go beyond the two-year timeframe.**

xxx

#### **Section 28. Validity of COR.**

<b>VALIDITY</b>	<b>CRITERIA</b>
xxx	xxx

**Notwithstanding the above criteria, the following shall also be considered:**



1. For newly registered COR including, registration of existing private ports without valid permit - If there is no approved tenurial instrument, only provisional permit/payment of occupancy fee was provided, the maximum validity of COR for five (5) years may be issued.
2. If the capital investment qualified the private port applicant for more than five years, but the lease agreement or tenurial instrument is less than the equivalent term, the validity of the COR shall be co-terminus with the tenurial instrument and/or lease agreement.
3. For existing private ports with less than 3 million capital investment, the maximum validity of COR for five (5) years may be issued, provided that they have valid tenurial instrument/lease agreement and its validity is equal or more than five years. However, if the validity is less than 5 years, the COR to be issued shall be co-terminus with its tenurial instrument and/or lease agreement.

### **Section 31 – Approval of COR**

The approving authority of all CORs shall be the General Manager.

**Section 40 – Requirements for Registration of Existing Private Ports without Valid Permits issued by the Authority. Eligible applicants shall comply with the following requirements:**

Particulars	Requirements
Registration of Existing Private Ports	<p>xxx</p> <p><b>8. xxx and/or other applicable tenurial instruments.</b></p> <p><b>However, if approved tenurial instrument is not yet available, copy of Official Receipt of payment of occupancy fee shall be submitted.</b></p>

### **Section 57. Collection of 100% Port Charges. Xxx**

**Notwithstanding the above provision, in cases where private ports have more than one tenurial instruments and one of the which will be subject for turnover and the other is still valid, the computation of port charges will be prorated considering the area of covered by tenurial instrument subject for turnover and the area covered by the valid tenurial instrument.**

**Section 62 – Private Port Fee.** The Private port owners/operators shall pay the following fees:

Type of Fees	Amount
xxx	xxx
3. Registration Fee (applicable for new registrants only)	1% of Project Cost but not more than 5 Million + <b>VAT</b>  <b>This fee is also applicable to unregistered private ports which have registered for the first time.</b>
4. PIRE Fee a. xxx 10 Million and above  b. xxx 10 Million and above	xxx  ₱60,000.00 +.001 (1/10 of 1%) of the excess of 10 million + <b>VAT</b>  ₱160,000.00 +.001 (1/10 of 1%) of the excess of 10 million + <b>VAT</b>
9. Conversion Fee (applicable for conversion of non-commercial to commercial private port)	₱100,000.00 + VAT

**Section 71. Penalty.** Violation of any of the provisions of this Revised Policy shall subject the private port owner/operator to the following penalties:

Type of Violations	Amount of Penalty (VAT Inclusive)
xxx	xxx
2. Failure to commence construction within six months from the issuance of PDC <b>and/or PIRE</b> , a grace period of another six months shall be given to private port owner/operator to comply after paying the penalty, after which the PDC <b>and/or PIRE</b> . The applicant shall be	xxx



required to re-apply for PDC or <b>PIRE</b> .	
5. Operation of private port without COR and PTO (for turned over private port	xxx  The imposition of 200% port charges only applies to unregistered private ports without any valid permit issued by PPA.  xxx
9. Violations of any of the terms and conditions stipulated in the COR, <b>PDC</b> , <b>PIRE</b> , <b>PAO</b> and <b>PTO</b> which are not included in the list of violations with corresponding penalties	xxx

#### **Annex A – Requirements for Private Port RORO Operations**

xxx

#### **Section 4. Minimum Requirements for RORO Operations.**

xxx

**For RORO catering to purely rolling cargoes, the provision of passenger terminal facilities shall not be mandatory.**

xxx

#### **Annex F -Administration and Management of ZSPI**

xxx

**Section 3 – Requirements. Eligible applicants shall comply with the following requirements:**

Particulars	Requirements
ZSPI Plan	xxx <b>5. Certified True Copy of DTI/SEC/CDA Registration or JV Agreement, whichever is applicable (applicable for new private port applicants only).</b>

xxx.

All other provisions of PPA AO 05-2022 not affected by this Order shall remain valid and in full force.

This Order shall take effect fifteen (15) calendar days after its publication in a newspaper of general circulation

  
**JAY DANIEL R. SANTIAGO**  
General Manager

Published in Daily Tribune - March 25, 2024  
Effectivity Date - April 09, 2024