

JUN 29 2022



PPA ADMINISTRATIVE ORDER
NO. 05 - 2022

TO : All Port Managers
Others Concerned

SUBJECT : Revised Policy on the Development, Construction, Operations
and Maintenance of Private Ports, otherwise known as the
"2022 Revised Policy on Private Ports"

Pursuant to Article IV, Section 6a(iii)(iv), (ix) and Article VII, Sections 19, 20 and Article VIII, Section 6 of Presidential Decree No. 857, as amended, and other related laws and PPA Board Resolution No.3132, the following Revised Policy on Private Ports are hereby adopted and prescribed:

ARTICLE I – GENERAL PROVISIONS

Section 1. Title. This Revised Policy shall be known as the "2022 Revised Policy on Private Ports."

Section 2. General Policy Statements. The Authority hereby declares the following policy:

- a. The provision and operation of ports and port facilities in the country is a government function.
- b. The government recognizes the important role of private sector in improving the economic welfare of the country and supports its participation in the identified priority sectors of the government such as ports.
- c. The private sector, in its complementary role is encouraged to assist and be allowed to participate in the development, construction and operations of private ports.
- d. Private ports, consistent with the Authority's port environmental policies and regulations, shall adhere to the concept of ensuring that the port activities are focused on minimizing the adverse or negative impact to the environment and ensuring that all aspects of port operation and port development are geared towards the protection and preservation of the environment for the maximum utilization of port facilities. Private ports shall adopt measures on climate adaptation, climate change proofing and setting in place disaster countermeasures and disaster mitigation, among others, and shall implement green, resilient and smart port strategies to improve environmental sustainability of their operations.

Section 3. Objectives. This Revised Policy is prescribed:

- a. To establish rules and prescribe procedures in the processing of private port applications
- b. To ensure efficient and effective delivery of service to the public and continuous re-engineering of systems and processes in compliance with the Ease of Doing Business
- c. To properly monitor, supervise the operations of private ports under the jurisdiction of the Authority
- d. To ensure that all private ports are registered with the Authority.

Section 4. Construction. – This Revised Policy shall be liberally construed to facilitate just, expeditious, and inexpensive determination of every related proceeding or matters before the Authority.

Section 5. Technical Rules Not Applicable. In any application proceedings under this Revised Policy, the judicial rules of evidence are not controlling. It is the spirit and intention of this Revised Policy to ascertain the facts in each case by every and all reasonable means without regard to technicalities of law or procedure.

ARTICLE II – SCOPE

Section 6. Scope. This Revised Policy shall govern procedures on the development, construction, operations and maintenance, expansion, rehabilitation, registration of existing and turnover of private ports under the jurisdiction of the Authority. This shall also cover the applicable fees fines and penalties to be imposed on private ports.

This policy, however, does not cover the following:

- a. energy related port projects;
- b. marina;
- c. port facilities for recreational boats and similar watercrafts

ARTICLE III– DEFINITION OF TERMS

Section 7. Definition of Terms. For purposes of this Revised Policy, the following terms shall mean or be understood to mean, as follows:

- a. **Authority** – refers to the Philippine Ports Authority (PPA).
- b. **Certification of Registration** – a certification issued to private port owner/operator authorizing them to operate and maintain the registered port.
- c. **Port Facilities** – these are the facilities listed in the COR which include among others, piers, wharves slips, docks, breakwater, terminal, warehouse, cold storage or other building or work located in or adjacent to navigable waters

used in connection with navigation or shipping and includes all land incidental to their use. **Offshore facilities may include anchorage-based facilities such as mooring buoys, breasting dolphins, concrete jetties and similar berthing or mooring facilities, loading, and unloading facilities, among others.**

- d. **Permit to Improve/Rehabilitate/Expand** – a permit authorizing the applicant to improve, rehabilitate and/or expand its existing port facility
- e. **Permit to Develop and Construct** - a permit authorizing the owner/operator, to develop and construct new port facility/facilities/structure within the applied Zone of Significant Port Interest area
- f. **Permit to Operate** - a permit issued to service providers to operate and perform services inside the Zone of Significant Port Interest area of the registered private port.
- g. **Private Port** – a port facility constructed and owned by a private person or entity as authorized by the government. It is classified according to the nature of its operation and purpose, namely:
 - i. **Private Non-Commercial Port** – a port facility constructed and owned or operated by a private person or entity as a component of or accessory to its own business or principal economic activity and which does not offer port services to the general public but exists generally for its own particular use and need. Its use by third party users is only incidental to its operation of the port in view of the availability of specialized and dedicated cargo handling gears and equipment used to handle, usually homogenous cargo, unique to the private port facility, and conducted on a limited and non-commercial basis.
 - ii. **Private Commercial Port**- a port facility constructed and owned or operated by a private person or entity which offers, as its principal business activity, port services to the general port users. The operation of the port facility is not a mere component of the main business or activity of the owner or operator but is the main business activity itself.
- h. **Private Port Owner/Operator**- a holder of private port permit authorized by the Authority to develop, construct, operate, and maintain the private port facility.
- i. **Provisional Authority to Operate** - is a temporary permit issued to private ports to be turned over to the government with a validity of one year. This may be subject for renewal for not more than twice or until such time that the protocols on the turnover have been finalized by the Authority and the DENR.
- j. **River Port** – a private port located along a riverbank which can be either commercial or non-commercial.

- k. **Road-Roll-on/Roll-Off (RORO) Ferry Terminal System** - refers to the network of terminals all over the country, regardless of the distance covered and linked by RO-RO vessels.
- l. **RORO Operations** – refers to the method of loading and discharging of vehicles between vessel and shore via ramp, whether:
 - i. self-propelled (such as cars, trucks, containers on chassis attached to a prime mover, buses, motorcycles) and/or; and
 - ii. containers on chasses loaded unto the RO-RO ship by prime mover (or tractor head) at the port of origin and unloaded from the RO-RO by a different prime mover (tractor head) at the port of destination.
- m. **Registered Private Port** – a private port whether operational or non-operational in possession of valid COR.
- n. **Zone of Significant Port Interest (ZSPI)** is defined as a suitable area for port development delineated by the private port owner/operator and approved by PPA to serve as port limits, the development and management of which shall be undertaken by the private port owner/operator with prior approval of the Authority.
- o. **ZSPI Plan** – a map defining the metes and bounds of the private port

ARTICLE IV – ELIGIBILITY CRITERIA OF PRIVATE PORT APPLICANTS

Section 8. *Eligible Applicants.* All private port applicants shall have no pending case filed against the Authority, its Board, Technical Working Group, or any of its Offices and no outstanding obligations with the Authority.

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

- a. Duly licensed Filipino citizens/sole proprietorship
- b. Partnership duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the interest belongs to citizens of the Philippines
- c. Corporations duly organized under the laws of the Philippines and of which at least sixty percent (60%); of the outstanding stock capital belongs to citizens 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, provided that the Filipino ownership or interest of the Joint Venture concerned shall be at least sixty percent (60%). The interest and ownership of the Joint Venture shall be based on the contribution of each member as specified in the Joint Venture Agreement.

- e. Cooperatives duly registered with the Cooperatives Development Authority (CDA)

Section 10. Private port applicants for **commercial port** shall be any of the following

- a. Partnership duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the interest belongs to citizens of the Philippines
- b. Corporations duly organized under the laws of the Philippines and of which at least sixty percent (60%); of the outstanding stock capital belongs to citizens of the Philippines; including one-person corporations (OPC) composed of Filipino Citizens
- c. 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, provided that the Filipino ownership or interest of the Joint Venture concerned shall be at least sixty percent (60%). The interest and ownership of the Joint Venture shall be based on the contribution of each member as specified in the Joint Venture Agreement.
- d. Cooperatives duly registered with the Cooperatives Development Authority (CDA)

Section 11. *Government-To-Government Arrangements for Development, Construction, Operations and Maintenance of Port.* For Government Owned and Controlled Corporations (GOCCs) and Local Government Units (LGUs) that will enter government-to-government transactions, a separate policy shall be prescribed by the Authority through the issuance of Administrative Order.

Section 12. *Minimum Investment for Commercial Private Ports.* All private commercial ports shall have the following minimum investment:

- a. One Reinforced Concrete berth (min. length of 65 meters and min. width of 9 meters) complete with Port Lighting Facilities, and equipped with adequate mooring and fendering system; and
- b. Minimum draft of vessel at loaded condition during low tide shall be 5 meters at Mean Low Lower Water (MLLW)

Section 13. *Eligible Applicants for RORO Operations and River Ports.* The eligibility and documentary requirements for RORO Operations and river ports for PDC are stipulated in **Annex “A”** and **Annex “B”**, respectively, of this Revised Policy.

ARTICLE V – SUBMISSION OF APPLICATION FORMS

Section 14. *Form and Substance.* Using the prescribed sworn filing form in **Annex “C”** the application shall state clearly and concisely the request and the legal authority upon which the party relies for the said application. Every application shall be filed at

the concerned Port Management Office (PMO) in **three (3)** clear legible copies including the original **and two (2) duplicate photocopies** and shall bear among others, the name, signature, address of the Applicant. The applicant shall also submit a flash drive containing the electronic copy of the application **and the documentary requirements, as may be applicable depending on the type of applications covered of this Revised Policy**, in portable document format (pdf).

Section 15. Online Application. The procedures and flowchart for online application for private port shall be prescribed by the Authority through the issuance of Administrative Order within ninety (90) days from the effectivity of this Revised Policy on Private Ports.

Section 16. Defect of Form. The Authority, thru the concerned PMO, shall not accept Application that do not comply with the provisions of these Rules.

ARTICLE VI – TYPES OF PRIVATE PORT PERMITS APPLICATIONS

Section 17. Types of Private Port Permits Application. The following are the private port permits application that the Authority may issue:

- a. Permit to Develop and Construct (PDC)
- b. Certificate of Registration (COR)
- c. Permit to Improve/Rehabilitate/Expand (PIRE)
- d. Request for Registration of Existing Private Ports without any valid Permit Issued by PPA
- e. Request for Change of Name and/or Conveyance of COR/Port Facilities
- f. Request for Conversion of Non-Commercial to Commercial Private Ports
- g. Permit to Operate (PTO) inside ZSPI area of the registered private ports
- h. Provisional Authority to Operate (PAO) private ports for turned over to the government

ARTICLE VII - ISSUANCE OF PDC

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

- a. For construction of new private ports; and
- b. For construction of expansion/rehabilitation/improvement of existing private ports that are applied **after** the expiration of its valid COR. However, those

that are applied **during** the validity of its COR shall be issued a **PIRE** stipulated in **Section 33** of this Revised Policy.

ARTICLE VIII – APPLICATION FOR PDC

Section 19. Requirements for PDC for Non-Commercial and Commercial Private Ports - Applicant to be eligible to develop and construct a private port shall comply with the following requirements:

PARTICULARS	Requirements
PDC - Non-Commercial Private Port PDC - Commercial Private Port	1. Duly filled-out application form and Notarized Omnibus Undertaking
	2. Certified True Copy of SEC/DTI/CDA Registration or JV Agreement, whichever is applicable
	3. Certified true copy of Original Certificate of Title (OCT)/ Transfer Certificate of Title (TCT) from the Registry of Deeds for applied private port and/or Lease Agreement
	4. Original Secretary's Certificate/ Partnership Certificate-designating the authorized representative of the company to transact business with the Authority
	5. Audited Financial Statements and Sworn Statement of Revenue for the last three (3) years
	6. Source of Funds - Certified true copy of Credit Line Commitment (CLC) equivalent to the portion to be financed by funding source the estimated cost of the port project and/or Bank Certificate provided that the amount is sufficient to cover the estimated cost of the port project
	7. For newly established entities, in lieu of Audited Statement, a certified true copy of bank certificate and/or CLC shall be sufficient
	8. Company profile
	9. Project Proposal stating the following a. Summary of project scope, description, intended use of the project, economic impact; b. Estimated cost of project, broken down into major components (land, civil works, equipment, etc.) c. General port lay-out plan and development plan d. Vicinity map specifying the exact location of the port facility

PARTICULARS	Requirements
	10. Detailed Engineering (with detailed plans, working drawings/building plans, quantity and cost estimates, hydrographic and topographic survey, soil and foundation investigations, technical specifications, structural design, and load analysis duly signed and sealed by a Licensed Engineer with appropriate line of profession and approved by private port owner/operator) 11. ZSPI Plan, duly approved by the Authority and signed by a Geodetic Engineer 12. Certified true copy of valid Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC), whichever is applicable and Provisional Permit or Order Award for foreshore lease/miscellaneous lease applications, Special Use Agreement on Protected Areas (SAPA) or Mineral Production Sharing Agreement and/or Approved Deed of Assignment or Transfer of Leasehold Rights, whichever is applicable 13. Philippine Reclamation Authority (PRA) Approved Application for Reclamation, if applicable
PDC - Commercial Private Port	1. Duly filled-out application form and Notarized Omnibus Undertaking 2. Certified True Copy of SEC/CDA Registration or JV Agreement/ whichever is applicable 3. Certified true copy of Original Transfer Certificate (OCT)/Transfer Certificate of Title (TCT) from the Registry of Deeds for applied private port and/or Lease Agreement 4. Original Secretary's Certificate/Partnership Certificate designating the authorized representative of the company/partnership to transact business with the Authority 5. Audited Financial Statements and Sworn Statement of Revenue for the last three (3) years 6. Source of Funds - Certified true copy of Credit Line Commitment (CLC) equivalent to the portion to be financed by funding source the estimated cost of the port project and/or Bank Certificate provided that the amount is sufficient to cover the estimated cost of the port project 7. For newly established entities, in lieu of Audited Statement, a certified true copy of bank certificate and/or CLC shall be sufficient 8. Private port applicants shall have a minimum investment of ₱100,000,000 for those applicants whose main business is on port operations 9. Company Profile 10. Port Master Plan or Feasibility study for the project, showing among others the following: - Summary of project scope, description, intended use of the project, demand projections/market study, economic impact; - Estimated cost of project, broken down into major components (land, civil works, equipment, etc.) - General port lay-out plan and development plan - Vicinity map specifying the exact location of the port facility

PARTICULARS	Requirements
	11. Detailed Engineering (with detailed plans, working drawings/building plans, quantity and cost estimates, hydrographic and topographic survey, soil and foundation investigations, technical specifications, structural design, and load analysis duly signed and sealed by a Licensed Engineer with appropriate line of profession and approved by private port owner/operator)
	12. ZSPI Plan, duly approved by the Authority and signed by a Geodetic Engineer
	13. Certified true copy of valid Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC), whichever is applicable and Provisional Permit or Order Award for foreshore lease/miscellaneous lease applications, Special Use Agreement on Protected Areas (SAPA) or Mineral Production Sharing Agreement and/or Approved Deed of Assignment or Transfer of Leasehold Rights, whichever is applicable
	14. Philippine Reclamation Authority (PRA) Approved Application for Reclamation, if applicable

Section 20. *Cancellation of PDC.* The approved PDC of the private port owner/operator shall be cancelled in the following circumstances:

- a. When the private port owner/operator fails to commence construction within six months from the approval of the PDC, a corresponding penalty shall be imposed to applicant pursuant to **Section 71** of this Revised Policy. A grace period of another six months shall be given to private port owner/operator to comply after paying the penalty, after which the issued PDC shall be cancelled. The applicant shall be required to re-apply for the PDC and pay the corresponding fee.
- b. When the delay of the construction of port facilities indicated in the detailed engineering, without justifiable cause, as determined by PMO Engineering, reach 15% negative slippage, the PDC issued shall be cancelled. The applicant shall be required to re-apply for another PDC and pay the corresponding fee.

Section 21. *Amendment of the Details and Cost of Port Construction.* Any amendment to the details and cost of port construction in the issued PDC **during the construction period** shall be subject for approval of the PMO. If the amendment entails additional cost, the private port shall pay the additional PDC fee as prescribed in **Section 62** of this Revised Policy. If there is no additional cost to the said amendment, only approval of the design specification shall be approved by the PMO. Such amendment shall be reported by the PMO to the Office of the AGM for Operations and AGM for Engineering thru CSD.

ARTICLE IX - ISSUANCE OF COR

Section 22. *Issuance of COR.* The COR shall be issued for applicants for the following:

- a. For newly constructed private port facilities
- b. For private ports subject for renewal
- c. For existing private ports without valid permit and which were imposed penalty for construction without prior permit from the Authority as stipulated in **Section 71** of this Revised Policy
- d. For private ports requesting for a change of Name or Conveyance of COR/Port Facilities
- e. For private ports requesting for conversion of non-commercial to commercial

ARTICLE X –APPLICATION FOR COR

Section 23 – Time to File an Application for COR - For newly constructed ports, the private port owner/operator shall within 60 days after the completion of the port project submit the application for COR to PMO concerned.

Section 24. Requirements for COR - Applicants to be eligible to register the private port shall comply with the following requirements:

PARTICULARS	Requirements
Certificate of Registration (New)	1. Duly filled-out application form and Notarized Omnibus Undertaking 2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority 3. Certified true copy of As-Built Plan with detailed actual cost duly signed and sealed by the Licensed Engineer with appropriate line of profession and owner 4. Certified true copy of Project Completion Report including the Material testing results of fendering systems, mooring bollard and other basic components of the port facility/equipment installed 5. Approved Foreshore or Miscellaneous Lease Contract, SAPA or MPSA, whichever is applicable and/or Approved Deed of Assignment or Transfer of Leasehold Rights, whichever is applicable 6. Certified true copy of the Office of the Transport Security (OTS) Port Facility Security Assessment (PFSA), Port Security Facility Plan (PSFP) and Port Facility Security Officer (PFSO) Oath duly received by OTS
Certificate of Registration (Renewal)	1. Duly filled-out application form and Notarized Omnibus Undertaking 2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority

PARTICULARS	Requirements
	3. Certification of Structural Soundness of Private Port Facilities signed by Licensed Civil Engineer
	4. Amended ECC for additional facilities or improvement not covered in the previous issued ECC, if applicable
	5. Certificate of Compliance on PFSA and PFSP issued by OTS

Section 25. Cancellation of COR. The approved COR of the private port owner/operator may be suspended or cancelled for any violations of any of the terms and conditions stipulated therein. Such suspension or cancellation shall be subject to due process pursuant to the Annex on Rules of Procedures on Private Ports.

ARTICLE XI - RENEWAL OF COR

Section 26. Filing of Renewal. All applications for renewal shall be filed at the concerned PMO within thirty (30) working days prior to the expiration of the COR with complete documentary requirements specified under **Section 24** of this Revised Policy.

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

Surcharge fee shall also be applicable for change of name and conveyance of COR and port facilities if application is filed after the expiry of the existing COR.

ARTICLE XII – VALIDITY AND APPROVAL OF COR

Section 28. Validity of COR. The COR will have the corresponding validity based on the following criteria:

VALIDITY	CRITERIA
NON-COMMERCIAL PORTS	
Five (5) years	Small-scale (with capital investment of ₱3,000,000.00 to ₱15,000,000.00)
Ten (10) years	Medium-scale (with capital investment of above 15,000,000.00 to ₱100,000,000.00)
Twenty (25) years	Large-scale (with capital investment above ₱100,000,000.00)
COMMERCIAL PORTS	
Twenty (25) years	Large-scale (with capital investment of ₱100,000,000.00)

Section 29. *Validity of COR Constructed on Titled Properties and under Lease Agreement.* The validity of COR constructed on titled properties under a lease agreement shall not exceed the validity of its lease agreement.

Section 30. *Validity of COR for Renewal.* The validity of the renewal of COR for existing registered private ports, whether commercial or non-commercial shall be in accordance with the following:

VALIDITY	CRITERIA
Five (5) years	Small-scale (with capital investment of ₱3,000,000.00 to ₱15,000,000.00)
Ten (10) years	Medium-scale (with capital investment of above ₱15,000,000.00 to ₱100,000,000.00)
Twenty (25) years	Large-scale (with capital investment above ₱100,000,000.00)

Notwithstanding Section 30, the validity for renewal for COR constructed on titled properties, shall not exceed the validity of its lease agreement]

However, the validity of renewal of COR for private ports which will be approved under this Revised Policy shall be in accordance with Section 28 hereof.]

Section 31. *Approval of COR.* All CORs to be issued shall be approved by the following:

TYPE OF PRIVATE PORTS	APPROVING AUTHORITY
Non-Commercial	5 years – AGM for Operations 10 years and above – General Manager
Private Commercial	General Manager

ARTICLE XIII – REQUEST FOR IMPROVEMENT/REHABILITATION/EXPANSION OF PRIVATE PORT FACILITIES

Section 32. *Improvement/Rehabilitation/Expansion of Private Ports.* The improvement/rehabilitation/expansion of existing port facilities are needed to continuously address the business needs of private ports.

Section 33. *Request for PIRE.* All requests for PIRE of existing private ports during the effectivity of its COR, except for annual preventive maintenance and repair purposes, shall be evaluated and approved by the PMO. A copy of the **duly approved PIRE** shall be submitted to CSD and PPDD.

Section 34. Amendment of the Details and Cost of Improvement/Rehabilitation and Expansion. Any amendment to the details and cost of port construction in the PIRE during the construction period for the improvement/rehabilitation/expansion shall be subject for approval of the PMO. If the amendment entails additional cost, the private port shall pay the additional PIRE Fee as prescribed in **Section 59** of this Revised Policy. If there is no additional cost to the said amendment, only approval of the design specification shall be approved by the PMO. Such amendment shall be reported by the PMO to the Office of the AGM for Operations and AGM for Engineering thru CSD.

Section 35. Requirements for PIRE. Applicants to be eligible to register the private port shall comply with the following requirements:

PARTICULAR	Requirements
Request for Improvement	1. Duly filled-out application form and Notarized Omnibus Undertaking
	2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
	3. Summary of proposed improvement/expansion/rehabilitation
	4. Estimated cost of project, with corresponding breakdown
	5. Working drawings/building plans signed by a Licensed Civil Engineer.
	6. Certified true copy of valid Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC)
	7. Philippine Reclamation Authority (PRA) Approved Application for Reclamation, if applicable
	8. Updated PFSA/PFSP duly received by OTS

Section 36. Cancellation of PIRE. The approved PIRE of the private port owner/operator shall be cancelled in the following circumstances:

- a. When the private port owner/operator fails to commence construction within six months from the approval of the PIRE, a corresponding penalty shall be imposed to applicant pursuant to **Section 71** of this Revised Policy. A grace period of another six months shall be given to private port owner to comply after paying the penalty, after which the issued PIRE shall be cancelled. The applicant shall be required to re-apply for the PIRE and pay the corresponding fee.
- b. When the delay of the construction of port facilities indicated in the detailed engineering, without justifiable cause, as determined by PMO Engineering, reach 15% negative slippage, the PIRE issued shall be cancelled. The applicant shall be required to re-apply for another PIRE and pay the corresponding fee.

Section 37. Annual Preventive Maintenance/Repairs. The private port owners/operators shall submit the schedule of their annual preventive maintenance/repair of the port facilities every end of January to the PMO concerned.

ARTICLE XIV – REQUEST FOR REGISTRATION OF EXISTING PRIVATE PORTS WITHOUT VALID PERMITS ISSUED BY PPA

Section 38. Registration of Existing Private Ports without Valid Permits Issued by the Authority. All private ports that have been constructed without the corresponding permits shall be imposed a penalty pursuant to **Section 71** of this Revised Policy and pay the corresponding PDC fee in accordance with **Section 62** of this Revised Policy.

Section 39. Filing of Application. All requests for registration of existing private ports which were constructed without any valid permit shall be filed by the private port applicant at the PMO concerned **within 90 days upon approval of this AO.** together with the following complete documentary requirements listed in **Section 40** of this Revised Policy

Section 40. Requirements for Registration of Existing Private Ports without Valid Permits issued by the Authority. Applicants to be eligible to register the private port shall comply with the following requirements:

PARTICULARS	Requirements
Registration of Existing Private Port	1. Duly filled-out application form and Notarized Omnibus Undertaking
	2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
	3. Certified True Copy of SEC/DTI/CDA Registration or JV Agreement, whichever is applicable
	4. Certified true copy of Original Certificate of Title (OCR)/Transfer Certificate of Title (TCT) from Registry of Deeds for applied private port and/or Lease Agreement
	5. Certified true copy of As-Built Plan duly signed and sealed by the Licensed Engineer with appropriate line of profession and owner
	6. Certified true copy of Project Completion Report including the Material testing results of fendering systems, mooring bollard and other basic components of the port facility/equipment installed
	7. Certification of Structural Soundness of private port facilities certified by a Licensed Civil Engineer.
	8. Provisional Permit or Order Award for foreshore lease/miscellaneous lease applications, Special Use Agreement on Protected Areas (SAPA) or Mineral Production Sharing Agreement and/or Approved Deed of Assignment or Transfer of Leasehold Rights, whichever is applicable
	9. ZSPI Plan
	10. PFSA/PSFP and PFSO Oath duly received by OTS

ARTICLE XV – REQUEST FOR CHANGE OF NAME AND/OR CONVEYANCE OF PORT FACILITIES AND COR

Section 41. *Conveyance of Port Facilities and COR.* The Authority recognizes that private port owners may convey the land where the existing port facilities are constructed and the issued COR due to business decisions. However, the sale, transfer, conveyance, and assignment of port facilities and COR shall not be entered into by the private port owner/operator without first seeking prior written clearance from the Authority.

Section 42. *Payment of Fees.* Payment of corresponding fees for filing, change of name and transfer of COR shall be imposed pursuant to **Section 62** of this Revised Policy and its subsequent amendment.

Section 43. *Conveyance without prior approval.* All conveyances without prior notice and approval from the Authority shall be subject to invalidation of the COR, pre-termination of lease contract (private ports under lease-back agreement) and imposition of fines and penalty pursuant to **Section 71** of this Revised Policy and its subsequent amendment.

Section 44. *Approval from the Authority.* The private port owner/operator shall submit a letter informing the Authority thru the PMO concerned of such conveyance indicating the rationale behind the said conveyance. The said request shall be acted upon within 20 working days upon the recommendation and endorsement of the PMO concerned and AGM for Operations to the General Manager. After approval of the Authority, the private port owner/operator shall submit the required documentary requirements for conveyance stipulated in **Section 45** of this Revised Policy.

Section 45. *Requirements for Change of Name and/or Conveyance of Port Facilities and/or COR.* All requests for change of name and conveyance of port facilities and COR shall be submitted to PMO concerned together with the following documentary requirements:

PARTICULARS	Requirements
Change of Name	1. Duly filled-out application form and Notarized Omnibus Undertaking
	2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
	3. Certified True Copy of DTI/SEC/CDA Registration or JV Agreement, whichever is applicable
	4. Updated PFSA/PSFP duly received by OTS
Conveyance	1. Duly filled-out application form and Notarized Omnibus Undertaking
	2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
	3. Certified True Copy of DTI/SEC/CDA Registration or JV Agreement, whichever is applicable

PARTICULARS	Requirements
	4. Certified true copy of duly notarized legal document of the proof of conveyance
	5. Duly notarized conformity of the previous owner/operator of the said conveyance
	6. Certified true copy of the Board Resolutions or legal document allowing the signatory of the conveyance to enter such contract
	7. Updated PFSA/PSFP duly received by OTS

ARTICLE XVI – CONVERSION OF NON-COMMERCIAL PRIVATE PORT TO COMMERCIAL PRIVATE PORT

Section 46. Conversion of Non-Commercial Private Port to Commercial Private Port. The private ports in its complementary role in the development, operation and maintenance of private ports may be allowed to convert its existing non-commercial ports to commercial to address the demand for such conversion.

Section 47. Criteria for Conversion. The conversion of COR from non-commercial to commercial status may be allowed on the following grounds:

- a. shall have at least completed a 5-year timeframe for its non-commercial private port
- b. The main business stipulated in the SEC Registration shall be port operations
- c. One Reinforced Concrete berth (min. length of 65 meters and min. width of 9 meters) complete with Port Lighting Facilities, and equipped with adequate Mooring and Fendering system
- d. Minimum draft of vessel at loaded condition during low tide shall be 5 meters at mllw
- e. Minimum investment of Php100,000,000.00

Section 48. Requirements for Conversion of COR from Non-Commercial to Commercial Status. After having satisfied the criteria stipulated in **Section 45** hereof, eligible private port owners/operators shall comply with all the following requirements:

PARTICULARS	Requirements
Conversion of COR from Non-commercial to Commercial Status	1. Duly filled-out application form and Notarized Omnibus Undertaking
	2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
	3. Certified True Copy of SEC/CDA Registration or JV Agreement, whichever is applicable.

PARTICULARS	Requirements
	4. Audited Financial Statements for the last three (3) years
	5. Feasibility Study of the Proposed Conversion indicating the following: a. Demand Projection/Market Study b. Estimated Revenue for the remaining term c. Economic Impact Assessment d. Technical Study for improvements to be made on the existing port infrastructure
	6. Updated PFSA/PSFP duly received by OTS

ARTICLE XVII – TURNOVER OF PRIVATE PORT FACILITIES TO THE GOVERNMENT

Section 49. Expired COR (50 years). All CORs, whose foreshore lease contract have reached the maximum validity of 50 years, shall be turned over to government.

Section 50. Protocol of Turnover of Private Ports. The protocol on the turnover of private ports with expired foreshore lease contract shall be subject to the Turnover Agreement to be entered into between the Authority and the Department of Environment and Natural Resources (DENR).

Section 51. Provisional Authority to Operate (PAO). Notwithstanding Section 50, the Authority may issue a PAO for the continued operations of private ports to be turned over to the government, until such time that the protocol on such has been approved. **Applicants for the issuance of a PAO, shall submit to the Authority a copy of the proof of payment of occupancy fee paid to the DENR.**

ARTICLE XVIII – PERMIT TO OPERATE (PTO)

Section 52. Cargo Handling Operations of Registered Private Port. The duly registered private port owner/operator shall be allowed to undertake cargo handling operations either on its own or by contract upon issuance of its COR.

Section 53. Third Party Cargo Handling Operators. The duly registered private owner/operator who opt to contract out the cargo handling operations to third party cargo handling operators shall be required to secure a PTO from the PMO concerned pursuant to **PPA AO 009-2020**.

ARTICLE XIX – PROCESS FLOWCHARTS ON THE PROCEDURES FOR APPLICATION

Section 54. Process Flowcharts and Procedures. All procedures in the application for private port permits shall be prescribed by the Authority through the issuance of Memorandum Circular within thirty (30) days from the effectivity of this Revised Policy on Private Ports.

Section 55. Timeframe of Processing of Applications. All applications on private port permits shall follow the twenty (20) working days pursuant to Ease of Doing Business.

ARTICLE XX–PORT CHARGES, CARGO HANDLING TARIFFS AND PRIVATE PORT FEES

Section 56. *Port Charges.* For ships docking and cargoes loaded/unloaded at a registered private port, the Authority shall collect the following:

- a. Private Commercial Ports –50% the applicable current Dockage-at-Berth, Dockage (domestic), and Wharfage Fee.
- b. Non-Commercial Private Ports – 50% of the applicable current Dockage-at-Berth, Dockage (domestic), and Wharfage Fee.

The private commercial port operators shall not in any way effect adjustment of port charges imposed by the Authority. Only the Authority can adjust the following port charges: Port Dues, Dockage-at-Berth (Foreign), Dockage-at-Anchorage, Dockage (domestic) and Wharfage.

Section 57. *Collection of 100% Port Charges.* The turned-over private port to the government which a Permit to Operate was issued to the previous owner/operator shall be collected 100% port charges. However, the previous owners /operators of turned-over private port with existing Lease Agreement shall be assessed and collected 100% port charges for the remaining of its lease term.

Section 58. *Third Party Cargoes Handled at Non-Commercial Private Port.* A 50% reduction in wharfage and dockage at berth shall be extended to vessels/cargoes, authorized to be diverted by concerned Port Manager, to private non-commercial port on the following instances:

- a. Due to congestion in the government port
- b. Due to draft limitation of the government port
- c. Due to absence of specialized and dedicated cargo handling equipment and gears in the government port

Section 59. *Cargoes that pass through private ports.* A 50% reduction in wharfage on cargoes whether laden/unladen, loaded/discharged at private ports shall be imposed on the following:

- a. Cargoes of a lessee of a portion of a PPA registered private port who provided on his own facilities, by/through which such cargoes are moved, and which are not available at a nearby government port; and

- b. Cargoes of Independent Power Producer Administrators (IPPAs) companies which are covered by a finance lease/s and utilizing a portion of registered private port.

Section 60. Copy of Lease Contract/Annual Financial Statements. A copy of the lease contract executed between the owner of the PPA registered private port and the lessees shall be submitted to PMO concerned having jurisdiction over the area, provided that said lease contract shall be for a term of not less than five (5) years reckoned from its date of execution. A copy of the Annual Financial Statements of the IPPAs covering the years wherein the finance lease provisions are valid and operative shall be submitted by the IPPA to PMO concerned.

Section 61. Port Tariff Rates. Rates for cargo handling and passenger terminal fee to be imposed by private commercial ports shall be in accordance with the following:

- a. The private commercial port operators may increase the cargo handling charges and other related fees at the landside of private commercial ports once every three (3) years.
- b. For the upward adjustment of the cargo handling charges and other related fees at the landside of private commercial ports, the operators shall use the Consumer Price Index (CPI) Factor Formula as follows:

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

Where:

CPI (All Items) Philippines NEW = the CPI of the immediately preceding year at the time the rates are to be adjusted

CPI (All Items) Philippines OLD = the latest CPI considered in the last upward adjustment

- d. The private commercial port operators may effect the downward adjustment on cargo handling charges and other related fees at the landside at any time.
- e. All upward adjustments on cargo handling charges and other related fees at the landside effected by the private commercial operators shall be subject to publication in a newspaper of general circulation.
- f. A copy of the said publication shall be furnished to the Port Management Office, copy furnished the Office of the AGM for Operations, Attention: CSD.
- g. Failure of the operators to notify the Authority of the upward adjustment in cargo handling charges and other related fees at the landside of private

commercial ports, non-publication of the upward adjustment, and imposition of cargo handling charges and other related fees more than the supposed upward adjustment every three (3) years shall be the considered violations of the Terms and Conditions of the COR and shall be subject to penalty pursuant to Section 68 of this Revised Policy on Private Ports

- h. The Port Managers shall closely monitor the compliance of the operators on the prescription of cargo handling charges and other related fees at the landside of the private commercial ports under the administrative jurisdiction of the Authority.

Section 62. Private Port Fees. The private port owners shall pay PPA the following fees.

Type of Fees	Amount
1. Application Fee	
a. PDC	
Non-commercial	₱ 5,000.00 + VAT
Commercial	₱ 10,000.00 + VAT
b. COR	
New/Renewal	₱ 3,000.00 + VAT
c. Request for PIRE	₱ 3,000.00 + VAT
d. Request for Change of Name	₱ 3,000.00 + VAT
e. Request for Transfer Port Facilities or COR	₱ 3,000.00 + VAT
f. Request for Conversion of Non-Commercial to Commercial	₱ 3,000.00 + VAT
g. Application for PTO	₱ 3,000.00 + VAT
h. Others	₱ 3,000.00 + VAT

2. PDC Fee a. Non-Commercial Below 10 Million 10 million and above b Commercial 100 Million Above 100 Million	₱ 40,000.00 + VAT ₱ 60,000.00 + .001 (1/10 of 1%) of the excess of 10 million + VAT ₱ 80,000.00 + VAT ₱160,000.00 + .001 (1/10 of 1%) of the excess of 100 million + VAT
3. Registration Fee (Applicable for new registrants only)	1% of Project Cost but not more than 5 Million
4. PIRE Fee a. Non-Commercial Below 10 Million 10 million and above b Commercial Below 10 Million 10 million and above	₱ 40,000.00 + VAT ₱ 60,000.00 + .001 (1/10 of 1%) of the excess of 10 million ₱ 120,000.00 + VAT ₱160,000.00 + .001 (1/10 of 1%) of the excess of 10 million
5. Annual Fee* a. Non-Commercial Below 10 Million 10 million and above b Commercial Below 10 Million 10 million and above Note * - Shall be imposed to new registrants after 3 years from Registration.	₱ 30,000.00 + VAT ₱ 60,000.00 + .VAT ₱ 80,000.00 + VAT ₱160,000.00 + VAT
6. Change of Name	₱ 10,000.00 +VAT
7. Transfer Fee COR/Port Facilities	₱ 100,000.00 +VAT

8. Annual Fee for Permit to Operate for Turned Over Private Port	
a. Non-Commercial Below 10 Million 10 million and above	₱ 30,000.00 + VAT ₱ 60,000.00 + .VAT
b Commercial Below 10 Million 10 million and above	₱ 80,000.00 + VAT ₱160,000.00 + VAT

Section 63. *Interest and Penalty.* Interest and penalty shall be imposed and collected on all late payments of fees, including surcharge fee for late renewal of COR if not settled on the date of filing for renewal. A sample computation of interest and penalty for surcharge is attached in “**Annex D**” of this Revised Policy.

ARTICLE XXI – TERMS AND CONDITIONS

Section 64. *Terms and Conditions.* To ensure the faithful compliance with the terms and conditions of the COR and PTO issued to the private port owner/operator and lessee of the turned over private port facilities, the said private port operator/owner and lessee or their authorized representative shall signify his/her agreement with the terms and conditions by affixing signature on the conforme portion and indicating the date it was signed. The COR or PTO is invalid in the absence of such conformity.

Section 65. *Compliance with the Terms and Conditions.* The private port owner/operator shall comply with the provisions of the Terms and Conditions.

ARTICLE XXII - MONITORING OF PRIVATE PORTS

Section 66. *Monitoring of Private Ports.* The PMO concerned shall be responsible for the monitoring of the private ports during its construction, operations, and maintenance of private ports. The PMO shall designate a [Team to be headed by a Division Manager to monitor progress during the construction phase, the movements of cargoes and vessels at private ports, compliance with the terms and conditions and as well as to ensure collection of corresponding port charges.

Section 67. *Visitorial Powers.* The private port owner/operator shall allow at any time the Authority and its authorized employees entry into the private port premises to observe and inspect port operations activities and facilities in the exercise of its supervisory authority. Authorized personnel of PPA and other concerned government agencies shall be allowed entry into the private port premises to inspect the facilities and cargoes, including examination of specific records to determine compliance with this Revised Policy and other pertinent rules, laws and regulations promulgated or to be promulgated.

Section 68. Monitoring Report. A monitoring report shall be submitted in accordance with PPA MC 35-2020 on Guidelines on the Electronic Submission of Operational Reports and its subsequent amendments.

Section 69. List of Reports. The following reports shall be submitted by the PMOs:

Reports	Date of Submission	Frequency
1. Compliance Monitoring Report	Five (5) days after the end of the Month	Monthly
2. Port Statistics on Mining Commodities Passing thru government and Private Ports	Ten (10) days after the end of the Month	Monthly
3. Daily Statistics on Private Port Operations	On or before 6PM	Daily (during pandemic or calamity)
4. List of Ports/Owned Facilities Utilized by Oil Companies	End of January	Yearly
5. Private Port Profile	End of January	Yearly
6. Annual List of Preventive Maintenance	End of January	Yearly
7. Milestone Infrastructure Audit	One (1) week after occurrence of a major calamity affecting the private ports	As need arises

Section 70. Suspected Illegal Activities. Any suspected illegal activity or activities outside of and/or prohibited by their COR shall be reported by the Port Manager concerned to the AGM for Operations within one (1) day from date of occurrence or discovery thereof, subject to further verification and investigation of the PMO. The results of the verification and/or investigation shall be submitted to the General Manager thru AGM for Operations, by the PMO within 7 days on the date of occurrence of the said suspected illegal activity.

ARTICLE XXIII- PENALTY

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

Types of Violations	Amount of Penalty (VAT inclusive)
1. Construction and operations of port without prior clearance from the Authority	First Offense - ₱100,000.00 Plus payment of the PDC fee.

	Without prejudice to the issuance of a Cease-and-Desist Order
2. Failure to commence construction within six months from the issuance of PDC [a grace period of another six months shall be given to private port owner to comply after paying the penalty, after which the PDC be rendered null and void]. The applicant shall be required to re-apply for PDC	₱100,000.00 Without prejudice to the issuance of a Cease-and-Desist Order
3. Delay in construction of port facilities of 15% negative slippage	Cancellation of PDC/PIRE issued
4. Late filing of renewal of COR/Operating a private port with an expired COR Note: Computation of Surcharge for late filing of renewal of COR will commence from the time the COR expires and will cease upon payment of Surcharge fee.	₱1,000.00/day Without prejudice to the issuance of a Cease-and-Desist Order
5. Operation of private port without COR and PTO (for turned over private port) from the Authority	₱100,000.00 Imposition of 200% port charges Without prejudice to the issuance of a Cease-and-Desist Order
6. Transfer of the port facilities and COR without prior approval from the Authority	₱100,000.00
7. Non-publication of the upward adjustment and imposition of cargo handling charges and other related fees more than the supposed upward adjustment every three (3) years	First Offense - Suspension of COR plus penalty of minimum of PhP500,000.00 or 100% of the excess charges whichever is higher and cancellation of the increase rates beyond the allowable increase Second Offense- Cancellation of COR
8. Provision of any false or misleading information/documents in support of any private port application shall be a ground	Cancellation of COR/PTO

for denial of private port application	
9. Violations of any of the terms and conditions stipulated in the COR, which is not included in the list of violations with corresponding penalties	First Offense – ₱25,000.00 and/or suspension of COR for 30 days Second Offense – ₱50,000.00 and/or suspension of COR for 60 – 90 days Third Offense- ₱100,000.00 and/or cancellation of COR

Section 72. *Filing of Criminal Cases.* The imposition of the above-enumerated administrative fines is without prejudice to the filing of criminal case(s) for violation of PD No. 857, as amended, pursuant to Section 43 thereof.

Section 73. *Rules and Procedures on Violations on Private Port Policy.* The rules and procedures on violations on private port policy is prescribed in **Annex E** of this Revised Policy.

ARTICLE XXIV- ADMINISTRATION AND MANAGEMENT OF ZSPI AREAS

Section 74. *Administration and Management of ZSPI.* The guidelines on the procedures on ZSPI is prescribed in **Annex F** of this Revised Policy

Section 75. *Composition of ZSPI Plan.* The ZSPI Plan to be submitted shall be consist of the following areas:

- a. **Port Control** - areas in which the Authority has jurisdiction and regulatory control, which include the [registered facilities, anchorage areas, entrance channels, among others]
- b. **Zone of Influence** - the area which [is proximate to Port control and can be used or reserved for port related activities for both landside and waterside
- c. **Zone of Interest** - areas larger than port control and zone of influence, which may be ideal for business growth and development plan

ARTICLE XXV– MISCELLANEOUS PROVISIONS

Section 76. *Repository of Documents.* The original and copy of all documents, communications, records pertaining to private ports shall be submitted by all departments concerned, to CSD which shall keep and maintain the same for future reference.

Section 77. *Transitory Provision.* Upon effectivity of this Revised Policy, all unregistered private ports shall formally advise by the PMO will be given three (3)

months grace period without additional penalty to register from the effectivity of this Revised Policy. The PMO shall also undertake the following:

- a. Submit to CSD quarterly a complete list of private ports duly registered and those subject for registration within his area of jurisdiction until such time that all private ports shall have been registered within one (1) year from the effectivity of this Revised Policy.
- b. After the said grace period of three (3) months, impose 200% port charges to all port users calling unregistered ports from the effectivity of this Revised Policy until such time that said private ports have been registered with PPA after one-year period from effectivity of this Revised Policy.

After the lapse of one year after the effectivity of this Revised Policy, issue a Cease-and-Desist Order after the appropriate notices and hearings have been observed.

- c. All private port owners/operators with valid COR and existing lease agreements shall be given six (6) months to submit their respective ZSPI to the Authority thru PMO.
- d. All private port applications received by PMOs and returned by Head Office to applicants before the effectivity of this Revised Policy shall be processed under the existing policy within six months from the effectivity of this Revised Policy. After the said period, all applications received and returned shall be processed under the new guidelines.
- e. All existing registered commercial private ports shall within thirty (30) days after the effectivity of the Revised Policy on Private Ports submit to the Authority the current cargo handling charges and other related fees imposed at the landside of the private commercial port. For new private commercial port operators, the cargo handling charges and other related fees to be imposed at the landside shall be submitted to the Authority upon approval of the COR.

Section 78. Periodic Reporting Clause. The Commercial Services Department shall every semester submit to the Board the status of the following:

- a. Approved, disapproved, and returned application for PDC, PIRE and COR; and
- b. Actions taken against private port violators by PMOs and LSD

Section 79. Repealing Clause. All PPA rules and regulations or parts thereof inconsistent herewith, are deemed repealed or modified accordingly

Section 80. Separability Clause. If any section or part of this Revised Policy is declared unconstitutional or invalid by competent judicial authority, the other sections or parts of this Revised Policy shall not be affected and shall continue to be in full force and effect.

ARTICLE XXVI – EFFECTIVITY

Section 81. *Effectivity.* This Revised Policy shall take effect after fifteen (15) days following the completion of its publication in a newspaper of general circulation.



JAY DANIEL R. SANTIAGO
General Manager

Published in the Business World - July 4, 2022

Effectivity Date July 19, 2022

Annex A

Requirements for Private Port RORO Operations

Pursuant to Executive Order Nos. 170 and 170A and PPA Board Resolutions No. 3132, the Authority, hereby prescribes the requirements for the development, construction, operations and maintenance of Private Port RORO Operations.

Section 1. Eligibility of RORO Operations. All RORO private port applicants shall have no pending case filed against the Authority, its Board, Technical Working Group, or any of its Offices and no outstanding obligations with the Authority.

Section 2. The following entities are allowed to apply for RORO private port applications:

- a. Duly licensed Filipino citizens/sole proprietorship
- b. Partnership duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the interest belongs to citizens of the Philippines
- c. Corporations duly organized under the laws of the Philippines and of which at least sixty percent (60%); of the outstanding stock capital belongs to citizens 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, provided that the Filipino ownership or interest of the Joint Venture concerned shall be at least sixty percent (60%). The interest and ownership of the Joint Venture shall be based on the contribution of each member as specified in the Joint Venture Agreement.
- e. Cooperatives duly registered with the Cooperatives Development Authority (CDA)

Section 3. Documentary Requirements for RORO and river ports Applications. The following documentary requirements shall be submitted to PMO concerned for their initial evaluations

RORO Private Port	1. Duly filled-out application form and Notarized Omnibus Undertaking
	2. Certified True Copy of SEC/DTI/CDA Registration or JV Agreement/, whichever is applicable
	3. Certified true copy of Original Transfer Certificate (OCT)/Transfer Certificate of Title (TCT) from the Registry of Deeds for applied private

	port and/or Lease Agreement
	4. Original Secretary's Certificate/ Partnership Certificate designating the authorized representative of the company to transact business with the Authority
	5. Audited Financial Statements and Sworn Statement of Revenue for the last three (3) years
	6. Source of Funds - Certified true copy of Credit Line Commitment (CLC) equivalent to the portion to be financed by funding source the estimated cost of the port project and/or Bank Certificate provided that the amount is sufficient to cover the estimated cost of the port project
	7. For newly established entities, in lieu of Audited Statement, a certified true copy of bank certificate and/or CLC shall be sufficient
	8. Private port applicants shall have a minimum paid up capital of ₱100,000,000 for those applicants whose main business is on port operations
	9. Company Profile
	10. Port Master Plan or Feasibility study for the project, showing among others the following: i. Summary of project scope, description, intended use of the project, demand projections/market study, economic impact; ii. Estimated cost of project, broken down into major components (land, civil works, equipment, etc) iii. General port lay-out plan and development plan iv. Vicinity map specifying the exact location of the port facility
	11. Detailed Engineering (with detailed plans, working drawings/building plans, quantity and cost estimates, hydrographic and topographic survey, soil and foundation investigations, technical specifications, structural design and load analysis duly signed and sealed by a Licensed Civil Engineer and approved by private port owner/operator)
	12. ZSPI Plan, duly approved by the Authority
	13. Certified true copy of valid Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC), whichever is applicable and Provisional Permit or Order Award for foreshore lease/miscellaneous lease applications, Special Use Agreement on Protected Areas (SAPA) or Mineral Production Sharing Agreement and/or Approved Deed of Assignment or Transfer of Leasehold Rights, whichever is applicable
	14. Philippine Reclamation Authority (PRA) Approved Permit for Reclamation, if applicable

Section 4. Minimum Requirements for RORO Operations. RRTS terminal must be able to cater to any type or design of RO-RO vessel, whether berthing alongside or Mediterranean. It must likewise have sufficient facilities and amenities to cater to the

passengers and RO-RO vehicles related needs and requirements which shall include but are not limited to:

- a. Ro-Ro Docking Facilities (an ordinary ramp must be able to accommodate a Ro-Ro vessel with 1,000 GRT or equivalent to the width of two (2) trucks;
- b. Passenger Terminal Facilities with basic amenities such as:
 - a. sufficient passenger seats (100 pax SEATING CAPACITY with a minimum area of 150 sq.m. including Main Entrance, Departure Lounge, Boarding Area and Emergency Exit
 - b. clean comfort rooms for male/female with the following toilet fixtures:

<i>TOILET</i>	<i>WATER CLOSET</i>	<i>URINALS</i>	<i>LAVATORY</i>
<i>MALE</i>	2	2	2
<i>FEMALE</i>	4	-	3

- c. drinking stations and water system
- d. child care stations with feeding area for nursing mothers/diaper changing table (minimum area of 6 sq.m)
- e. access ramps, railings for persons with disabilities /port users (maximum gradient of 1:12)
- f. priority lanes for pregnant women, women with children and senior citizens
- g. properly labelled receptacles to segregate wastes
- h. covered walkways to entry/exit doors
- i. male and female ecumenical room, multi-faith prayer room (minimum area of 6 sq.m)
- j. clinic (minimum area of 6 sq.m)
- k. free WIFI and charging stations
- l. janitor area (minimum area of 2.25 sq.m)
- m. concessionaire's area (minimum area of 22.37 sq.m)

- n. for 100 or less pax PTB, a septic tank is acceptable provided the effluent will be discharge to the existing sewerage system in accordance with the DENR effluent standard, otherwise provide Sewerage Treatment Plant (STP)
- o. for more than 100 pax PTB, provide STP
- c. Marshalling yard;
- d. Lane meter measurement area;
- e. Parking area;
- f. Security (security access control center with complete security equipment like baggage x-ray machine and K-9 dogs [minimum area of 34.08sq.m. (includes Security Inspection Area, X-ray and Ballistic Room)])
- g. Health and safety facilities (designated isolation areas and sanitation stations).

Section 5. Processing for RORO application shall follow the 20-working day timeframe under the EODB law and the approving authority is the General Manager.

Annex B

Section 1. Eligibility River Port Applicants. All river private port applicants shall have no pending case filed against the Authority, its Board, Technical Working Group, or any of its Offices and no outstanding obligations with the Authority.

Section 2. The following entities are allowed to apply for private port applications:

- a. Duly licensed Filipino citizens/sole proprietorship
- b. Partnership duly organized under the laws of the Philippines and of which at least sixty percent (60%) of the interest belongs to citizens of the Philippines
- c. Corporations duly organized under the laws of the Philippines and of which at least sixty percent (60%); of the outstanding stock capital belongs to citizens 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, provided that the Filipino ownership or interest of the Joint Venture concerned shall be at least sixty percent (60%). The interest and ownership of the Joint Venture shall be based on the contribution of each member as specified in the Joint Venture Agreement.
- e. Cooperatives duly registered with the Cooperatives Development Authority (CDA)

Section 3. Documentary Requirements for River Ports Applications. The following documentary requirements shall be submitted to PMO concerned for their initial evaluations:

River Ports	1. Duly filled-out application form and Notarized Omnibus Undertaking
	2. Certified True Copy of SEC/DTI/CDA Registration or JV Agreement/, whichever is applicable
	3. Certified true copy of Original Transfer Certificate (OCT)/Transfer Certificate of Title (TCT) for applied private port and/or Lease Agreement
	4. Original Secretary's Certificate/Partnership Certificate designating the authorized representative of the company to transact business with the Authority
	5. Audited Financial Statements and Sworn Statement of Revenue for the last three (3) years

	6. Source of Funds - Certified true copy of Credit Line Commitment (CLC) equivalent to the portion to be financed by funding source the estimated cost of the port project and/or Bank Certificate provided that the amount is sufficient to cover the estimated cost of the port project
	7. For newly established entities, in lieu of Audited Statement, a certified true copy of bank certificate and/or CLC shall be sufficient
	8. Company Profile
	9. Project Proposal , showing among others the following: i. Summary of project scope, description, intended use of the project, demand projections/market study, economic impact; ii. Estimated cost of project, broken down into major components (land, civil works, equipment, etc) iii. General port lay-out plan and development plan iv. Vicinity map specifying the exact location of the port facility
	10. Detailed Engineering (with detailed plans, working drawings/building plans, quantity and cost estimates, hydrographic and topographic survey, soil and foundation investigations, technical specifications, structural design and load analysis duly signed and sealed by a Licensed Civil Engineer and approved by private port owner/operator)
	11. ZSPI Plan, duly approved by the Authority
	12. Certified true copy of valid Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC), whichever is applicable and Provisional Permit or Order Award for foreshore lease/miscellaneous lease applications, Special Use Agreement on Protected Areas (SAPA) or Mineral Production Sharing Agreement and/or Approved Deed of Assignment or Transfer of Leasehold Rights, whichever is applicable
	13. Philippine Reclamation Authority (PRA) Approved Permit for Reclamation, if applicable

Section 4. Processing for river application shall follow the 20-working day timeframe under the EODB law and the approving authority is the General Manager.

APPLICATION FOR PERMIT TO DEVELOP AND CONSTRUCT (PDC) A NON-COMMERCIAL PORT
APPLICANT PROFILE

Name of Company:		Tracking No.: PDC-NC-001-2021	
Name of Applicant/Authorized Representative:			
Address 1 (Office Address):		Telephone Number 1:	
Address 2 (Billing Address):		Telephone Number 1:	
E-Mail Address:		Fax Number:	
Tax Identification Number (TIN):		SEC Reg. No.:	DTI Reg. No.:
		CDA Reg. No.:	
Business Type:	☐ Single Proprietorship	☐ Partnership	☐ Corporation
	☐ Joint Venture	☐ Cooperative	
Nature of Business:			

PRIVATE PORT PROFILE

Port Facility/Structure/s to be put-up including its dimensions:			
Estimated Cost of the Project:		Intended use/purpose:	
Location/Site of Private Port: Barangay _____ Municipality _____ Province _____			
Zone of Significant Port Interest	Area size (in sq.m.) (Port Control)	TCT No. and Owner (Back-Up Area)	Area Size (sq.m.)
Environmental Compliance Certificate (ECC) No.			

DOCUMENTARY REQUIREMENTS

(Put (✓) if submitted, (x) if not available)

Note: Application form and corresponding Omnibus Undertaking (Sworn Affidavit) shall be filed in three (3) clear legible copies including the original

- | | |
|---|--|
| ☐ 1. Duly filled-out application form and Notarized Omnibus Undertaking
☐ 2. Certified True Copy of SEC/DTI/CDA Registration or JV Agreement, whichever is applicable
☐ 3. Certified true copy of Original Certificate of Title (OCT)/ Transfer Certificate of Title (TCT) from the Registry of Deeds for applied private port or Lease Agreement
☐ 4. Original Secretary's Certificate/Partnership Certificate designating the authorized representative of the company to transact business with the Authority
☐ 5. Audited Financial Statements and Sworn Statement of Revenue for the last three (3) years
☐ 6. Source of Funds - Certified true copy of Credit Line Certificate (CLC) equivalent to the portion to be financed by funding source the estimated cost of the port project and/or Bank Certificate provided that the amount is sufficient to cover the estimated cost of the port project
☐ 7. For newly established entities, in lieu of Audited Statement, a certified true copy of bank certificate and/or CLC shall be sufficient
☐ 8. Company Profile
☐ 9. Project Proposal stating the following:
a. Summary of project scope, description, intended use of the project, economic impact
b. Estimated cost of project, broken down into major components (land, civil works, equipment, etc.)
c. General port lay-out plan and development plan
d. Vicinity map specifying the exact location of the port facility | ☐ 10. Detailed Engineering (plans, working drawings/building plans, quantity and cost estimates, hydrographic and topographic survey, soil and foundation investigations, technical specifications, structural design and load analysis duly signed and sealed by a Licensed Civil Engineer and approved by private port owner/operator)
☐ 11. ZSPI Plan, duly approved by the Authority and signed by a Geodetic Engineer
☐ 12. Certified true copy of valid Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC), whichever is applicable and Provisional Permit or Order Award for foreshore lease/miscellaneous lease applications, Special Use Agreement on Protected Areas (SAPA) or Mineral Production Sharing Agreement (MPSA) and/or Approved Deed of Assignment or Transfer of Leasehold Rights, whichever is applicable
☐ 13. Philippine Reclamation Authority (PRA) approved application for Reclamation, if applicable. |
|---|--|

VALIDATION FOR PPA USE ONLY
☐ Filing Fee
☐ O.R. No. _____
 Date _____

Received by:

ESD/Authorized Personnel:

Printed Name & Signature

Remarks:

☐ Endorse to Head Office/CSD

☐ Return to Applicant

Reason/s: _____

Noted by the Port Manager:

Printed Name & Signature

**OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

A F F I D A V I T

I, (Name of Applicant/Authorized Representative), of legal age, (Civil Status), (Position/Title), (Name of Company/Address), after having been duly sworn in accordance with law, do hereby depose and state that;

I hereby apply for the Authority's issuance of **Permit to Develop and Construct (PDC)** a **non-commercial private port** to be located at (Address of the Applied Private Port).

As port applicant/port owner/operator/duly authorized representative of the company, I have full power and authority to do, execute and perform any and all acts necessary to represent it in seeking from PPA the corresponding **PDC** being applied for.

I have complied and secured all the necessary government clearances/permits necessary to operate my business.

I hereby authorize your duly authorized official/employee to verify the statements/documents and information submitted herewith, to substantiate my eligibility as an applicant for a private port permit.

It is understood that I have complied with the requirements of other concerned government agencies prior to the construction of the private port and I am fully responsible and accountable in complying with said requirements.

I hereby acknowledge that I have full knowledge of pertinent law, regulation covering private port construction.

I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be a ground for the cancellation of the **PDC** issued, without prejudice to the filing of appropriate administrative, civil and criminal action against me and/or the company/entity I represent.

I hereby hold PPA free from all liens, encumbrances and liabilities resulting from non-compliance therewith.

I am executing this Omnibus Sworn Statement to attest to the veracity of the foregoing statements in support of the above-cited application.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____, in the City of _____, Philippines.

Applicant/Authorized Representative

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, in the City of _____, Philippines.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

APPLICATION FOR PERMIT TO DEVELOP AND CONSTRUCT (PDC) A COMMERCIAL PORT

APPLICANT PROFILE

Name of Company:		Tracking No.: PDC-C-001-2021	
Name of Applicant/Authorized Representative:			
Address 1 (Office Address)		Telephone Number 1:	
Address 2 (Billing Address):		Telephone Number 1:	
E-Mail Address:		Fax Number	
Tax Identification Number (TIN)		SEC Reg. No.:	DTI Reg. No.:
		CDA Reg. No.:	
Business Type: ☐ Partnership ☐ Corporation ☐ Joint Venture ☐ Cooperative			
Nature of Business:			

PRIVATE PORT PROFILE

Port Facility/Structure/s to be put-up including its dimensions:			
Estimated Cost of the Project:		Intended use/purpose:	
Location/Site of Private Port: Barangay _____ Municipality _____ Province _____			
Zone of Significant Port Interest	Area size (in sq.m.) (Port Control)	TCT No. and Owner (Back-Up Area)	Area Size (sq.m.)
Environmental Compliance Certificate (ECC) No.			

DOCUMENTARY REQUIREMENTS

(Put (✓) if submitted, (x) if not available)

Note: Application form and corresponding Omnibus Undertaking (Sworn Affidavit) shall be filed in three (3) clear legible copies including the original

☐ 1. Duty filled-out application form and Notarized Omnibus Undertaking ☐ 2. Certified True Copy of SEC/CDA Registration or JV Agreement, whichever is applicable ☐ 3. Certified true copy of Original Transfer Certificate (OTC)/Transfer Certificate of Title (TCT) from the Registry of Deeds for applied private port and/or Lease Agreement ☐ 4. Original Secretary's Certificate/Partnership Certificate designating the authorized representative of the company/ partnership to transact business with the Authority ☐ 5. Audited Financial Statements and Sworn Statement of Revenue for the last three (3) years ☐ 6. Source of Funds - Certified true copy of Credit Line Certificate (CLC) equivalent to the portion to be financed by funding source the estimated cost of the port project and/or Bank Certificate provided that the amount is sufficient to cover the estimated cost of the port project ☐ 7. For newly established entities, in lieu of Audited Statement, a certified true copy of bank certificate and/or CLC shall be sufficient ☐ 8. Private port applicants shall have a minimum investment of P100,000,000 for those applicants whose main business is on port operations ☐ 9. Company Profile ☐ 10. Port Master Plan or Feasibility Study for the project, showing among others the following: a. Summary of project scope, description, intended use of the project, demand projections/market study, economic impact; b. Estimated cost of project, broken down into major components (land, civil works, equipment, etc.) c. General port lay-out plan and development plan d. Vicinity map specifying the exact location of the port facility	☐ 11. Detailed Engineering (with detailed plans, working drawings/ building plans, quantity and cost estimates, hydrographic and topographic survey, soil and foundation investigations, technical specifications, structural design and load analysis duly signed and sealed by a Licensed Civil Engineer and approved by private port owner/operator) ☐ 12. ZSPI Plan, duly approved by the Authority and signed by a Geodetic Engineer ☐ 13. Certified true copy of valid Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC), whichever is applicable and Provisional Permit or Order Award for foreshore/miscellaneous lease applications, Special Use Agreement on Protected Areas (SAPA) or Mineral Production Sharing Agreement (MPSA) and/or Approved Deed of Assignment or Transfer of Leasehold Rights, whichever is applicable ☐ 14. Philippine Reclamation Authority (PRA) Approved Application for Reclamation, if applicable
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VALIDATION FOR PPA USE ONLY

☐ Filing Fee ☐ O.R. No. _____ Date _____ Received by: _____ ESD/Authorized Personnel: _____ Printed Name & Signature _____	Remarks: ☐ Endorse to Head Office/CSD ☐ Return to Applicant Reason/s: _____ _____ _____ Noted by the Port Manager: _____ Printed Name & Signature _____
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**OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

AFFIDAVIT

I, (Name of Applicant/Authorized Representative), of legal age, (Civil Status), (Position/Title), (Name of Company/Address), after having been duly sworn in accordance with law, do hereby depose and state that;

I hereby apply for the Authority's issuance of **Permit to Develop and Construct (PDC)** a **commercial private port** to be located at (Address of the Applied Private Port).

As port applicant/port owner/operator /duly authorized representative of the company, I have full power and authority to do, execute and perform any and all acts necessary to represent it in seeking from PPA the corresponding PDC being applied for.

I have complied and secured all the necessary government clearances/permits necessary to operate my business.

I hereby authorize your duly authorized official/employee to verify the statements/documents and information submitted herewith, to substantiate my eligibility as an applicant for a private port permit.

It is understood that I have complied with the requirements of other concerned government agencies prior to the construction of the private port and I am fully responsible and accountable in complying with said requirements.

I hereby acknowledge that I have full knowledge of pertinent law, regulation covering private port construction.

I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be a ground for the cancellation of the **PDC** issued, without prejudice to the filing of appropriate administrative, civil and criminal action against me and/or the company/entity I represent.

I hereby hold PPA free from all liens, encumbrances and liabilities resulting from non-compliance therewith.

I am executing this Omnibus Sworn Statement to attest to the veracity of the foregoing statements in support of the above-cited application.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____, in the City of _____, Philippines.

Applicant/Authorized Representative

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, in the City of _____, Philippines.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

APPLICATION FOR CERTIFICATE OF REGISTRATION (COR)

☐ New ☐ Renewal ☐ Non-Commercial ☐ Commercial

APPLICANT PROFILE

Name of Company:		Tracking No.: COR-NC/C 001-2021	
Name of Applicant/Authorized Representative:			
Address 1 (Office Address)		Telephone Number 1:	
Address 2 (Billing Address):		Telephone Number 1:	
E-Mail Address:		Fax Number	
Tax Identification Number (TIN)		SEC Reg. No.:	DTI Reg. No.:
		CDA Reg. No.:	
Business Type: ☐ Single Proprietorship ☐ Partnership ☐ Corporation ☐ Joint Venture ☐ Cooperative			
Nature of Business:			

PRIVATE PORT PROFILE

Port Facility/Structure/s to be put-up including its dimensions:			
Estimated Cost of the Project:		Intended use/purpose:	
Location/Site of Private Port: Barangay _____ Municipality _____ Province _____			
Zone of Significant Port Interest	Area size (in sq.m.) (Port Control)	TCT No. and Owner (Back-Up Area)	Area Size (sq.m.)
Environmental Compliance Certificate (ECC) No.			

DOCUMENTARY REQUIREMENTS

(Put (✓) if submitted, (x) if not available)

Note: Application form and corresponding Omnibus Undertaking (Sworn Affidavit) shall be filed in three (3) clear legible copies including the original

NEW APPLICATION

- ☐ 1. Duly filled-out application form and Notarized Omnibus Undertaking
- ☐ 2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
- ☐ 3. Certified true copy of As-Built Plan with detailed actual cost duly signed and sealed by the Licensed Civil Engineer and owner
- ☐ 4. Certified true copy of Project Completion Report including the Material testing results of fendering systems, mooring bollard and other basic components of the port facility/equipment installed
- ☐ 5. Approved Foreshore Lease or Miscellaneous Lease Contract, SAPA or MPSA, whichever is applicable and/or Approved Deed of Assignment or Transfer of Leasehold Rights, whichever is applicable
- ☐ 6. Certified true copy of the Office of the Transport Security (OTS) Port Facility Security Assessment (PFSA), Port Security Facility Plan (PSFP) and Port Facility Security Officer (PFSO) Oath duly received by OTS

RENEWAL APPLICATION

- ☐ 1. Duly filled-out application form and Notarized Omnibus Undertaking
- ☐ 2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
- ☐ 3. Certification of Structural Soundness of Private Port Facilities signed by a Licensed Civil Engineer
- ☐ 4. Amended ECC for additional facilities or improvement not covered in the previous ECC, if applicable
- ☐ 5. Certificate of Compliance on PFSA and PFSP issued by OTS

VALIDATION FOR PPA USE ONLY

☐ Filing Fee

☐ O.R. No. _____

Date _____

Received by:

BDMO/BDMS/Authorized Personnel

Printed Name & Signature

Remarks:

☐ Endorse to Head Office/CSD☐ Return to Applicant

Reason/s: _____

Noted by the Port Manager:

Printed Name & Signature

**OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

AFFIDAVIT

I, (Name of Applicant/Authorized Representative), of legal age, (Civil Status), (Position/Title), (Name of Company/Address), after having been duly sworn in accordance with law, do hereby depose and state that;

I hereby apply for the Authority's issuance of **(New/Renewal) Certificate of Registration (COR)** for a **(commercial/non-commercial) private port** to be located at (Address of the Applied Private Port).

As port applicant/port owner/operator /duly authorized representative of the company, I have full power and authority to do, execute and perform any and all acts necessary to represent it in seeking from PPA the corresponding **COR** being applied for.

I have complied and secured all the necessary government clearances/permits necessary to operate my business.

I hereby authorize your duly authorized official/employee to verify the statements/documents and information submitted herewith, to substantiate my eligibility as an applicant for a private port permit.

It is understood that I have complied with the requirements of other concerned government agencies prior to the operation of the private port and I am fully responsible and accountable in complying with said requirements.

I hereby acknowledge that I have full knowledge of pertinent law, regulation covering private port operation.

I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be a ground for the cancellation of the **COR** issued, without prejudice to the filing of appropriate administrative, civil and criminal action against me and/or the company/entity I represent.

I hereby hold PPA free from all liens, encumbrances and liabilities resulting from non-compliance therewith.

I am executing this Omnibus Sworn Statement to attest to the veracity of the foregoing statements in support of the above-cited application.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____, in the City of _____, Philippines.

Applicant/Authorized Representative

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, in the City of _____, Philippines.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____



APPLICATION FOR PERMIT TO IMPROVE/REHABILITATE/EXPAND (PIRE)

A PRIVATE PORT

APPLICANT PROFILE

Name of Company:		Tracking No.: PIRE-001-2021	
Name of Applicant/Authorized Representative:			
Address 1 (Office Address)		Telephone Number 1:	
Address 2 (Billing Address):		Telephone Number 1:	
E-Mail Address:		Fax Number	
Tax Identification Number (TIN)		SEC Reg. No.:	DTI Reg. No.:
		CDA Reg. No.:	
Business Type:	☐ Single Proprietorship	☐ Partnership	☐ Corporation
	☐ Joint Venture	☐ Cooperative	
Nature of Business:			

PRIVATE PORT PROFILE

Port Facility/Structure/s to be put-up including its dimensions:			
Estimated Cost of the Project:		Intended use/purpose:	
Location/Site of Private Port: Barangay _____ Municipality _____ Province _____			
Zone of Significant Port Interest	Area size (in sq.m.) (Port Control)	TCT No. and Owner (Back-Up Area)	Area Size (sq.m.)
Environmental Compliance Certificate (ECC) No.			

DOCUMENTARY REQUIREMENTS

(Put (✓) if submitted, (x) if not available)

Note: Application form and corresponding Omnibus Undertaking (Sworn Affidavit) shall be filed in three (3) clear legible copies including the original

- ☐ 1. Duly filled-out application form and Notarized Omnibus Undertaking
- ☐ 2. Original Secretary's Certificate designating the authorized representative of the company to transact business with the Authority
- ☐ 3. Summary of proposed improvement/expansion/rehabilitation
- ☐ 4. Estimated cost of project, with corresponding breakdown
- ☐ 5. Working drawings/building plans signed by a Licensed Civil Engineer.
- ☐ 6. Certified true copy of valid Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC)
- ☐ 7. Philippine Reclamation Authority (PRA) Approved Application for Reclamation, if applicable.
- ☐ 8. Updated PFSA/PFSP duly received by OTS

VALIDATION FOR PPA USE ONLY

☐ Filing Fee
☐ O.R. No. _____
 Date _____

Received by:

ESD/Authorized Personnel:

Printed Name & Signature

Remarks:

☐ Endorse to Head Office/CSD☐ Return to Applicant

Reason/s: _____

Noted by the Port Manager:

Printed Name & Signature

**OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

A F F I D A V I T

I, (Name of Applicant/Authorized Representative), of legal age, (Civil Status), (Position/Title), (Name of Company/Address), after having been duly sworn in accordance with law, do hereby depose and state that;

I hereby apply for the Authority's issuance of **Permit to Improve/Rehabilitate/Expand (PIRE)** a **non-commercial private port/commercial private port** located at (Address of the Applied Private Port).

As port applicant/port owner/operator/duly authorized representative of the company, I have full power and authority to do, execute and perform any and all acts necessary to represent it in seeking from PPA the corresponding (PIRE) for Improvement/Rehabilitation/Expansion being applied for.

I have complied and secured all the necessary government clearances/permits necessary to operate my business.

I hereby authorize your duly authorized official/employee to verify the statements/documents and information submitted herewith, to substantiate my eligibility as an applicant for a private port permit.

It is understood that I have complied with the requirements of other concerned government agencies prior to the operation of the private port and I am fully responsible and accountable in complying with said requirements.

I hereby acknowledge that I have full knowledge of pertinent law, regulation covering private port operation.

I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be a ground for the cancellation of the **PIRE** issued, without prejudice to the filing of appropriate administrative, civil and criminal action against me and/or the company/entity I represent.

I hereby hold PPA free from all liens, encumbrances and liabilities resulting from non-compliance therewith.

I am executing this Omnibus Sworn Statement to attest to the veracity of the foregoing statements in support of the above-cited application.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____, in the City of _____, Philippines.

Applicant/Authorized Representative

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, in the City of _____, Philippines.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

APPLICATION FOR CERTIFICATE OF REGISTRATION (COR) OF EXISTING PRIVATE PORT

APPLICANT PROFILE

Name of Company:		Tracking No.: COR-EP-001-2021	
Name of Applicant/Authorized Representative:			
Address 1 (Office Address)		Telephone Number 1:	
Address 2 (Billing Address):		Telephone Number 1:	
E-Mail Address:		Fax Number	
Tax Identification Number (TIN)		SEC Reg. No.:	DTI Reg. No.:
		CDA Reg. No.:	
Business Type: ☐ Single Proprietorship ☐ Partnership ☐ Corporation ☐ Joint Venture ☐ Cooperative			
Nature of Business:			

PRIVATE PORT PROFILE

Port Facility/Structure/s to be put-up including its dimensions:			
Estimated Cost of the Project:		Intended use/purpose:	
Location/Site of Private Port: Barangay _____ Municipality _____ Province _____			
Zone of Significant Port Interest	Area size (in sq.m.) (Port Control)	TCT No. and Owner (Back-Up Area)	Area Size (sq.m.)
Environmental Compliance Certificate (ECC) No.			

DOCUMENTARY REQUIREMENTS

(Put (✓) if submitted, (x) if not available)

Note: Application form and corresponding Omnibus Undertaking (Sworn Affidavit) shall be filed in three (3) clear legible copies including the original

- | | |
|--|---|
| ☐ 1. Duly filled-out application form and Notarized Omnibus Undertaking
☐ 2. Original Secretary's Certificate designating the authorized representative of the company to transact business with the Authority
☐ 3. Certified True Copy of SEC/DTI/CDA Registration or JV Agreement, whichever is applicable
☐ 4. Certified true copy of Original Certificate of Title (OCT)/ Transfer Certificate of Title (TCT) from Registry of Deeds for applied private port and/or Lease Agreement
☐ 5. Certified true copy of As-Built Plan duly signed and sealed by the Licensed Engineer and owner
☐ 6. Certified true copy of Project Completion Report including the Material testing results of fendering systems, mooring bollard and other basic components of the port facility/equipment installed
☐ 7. Certification of Structural Soundness of private port facilities certified by a Licensed Civil Engineer. | ☐ 8. Provisional Permit or Order Award for foreshore lease/ miscellaneous lease applications, Special Use Agreement on Protected Areas (SAPA) or Mineral Production Sharing Agreement (MPSA) and/or Approved Deed of Assignment or Transfer of Leasehold Rights, whichever is applicable
☐ 9. ZSPI Plan
☐ 10. PFSA/PSFP and PFSO Oath duly received by OTS |
|--|---|

VALIDATION FOR PPA USE ONLY

☐ Filing Fee ☐ O.R. No. _____ Date _____	Remarks: ☐ Endorse to Head Office/CSD ☐ Return to Applicant Reason/s: _____ _____ _____
Received by: BDMO/BDMS/Authorized Personnel _____ Printed Name & Signature	Noted by the Port Manager: _____ Printed Name & Signature

**OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

AFFIDAVIT

I, (Name of Applicant/Authorized Representative), of legal age, (Civil Status), (Position/Title), (Name of Company/Address), after having been duly sworn in accordance with law, do hereby depose and state that;

I hereby apply for the Authority's issuance of **Certificate of Registration (COR)** for **Existing Private Port** located at (Address of the Applied Private Port).

As port applicant/port owner/operator /duly authorized representative of the company, I have full power and authority to do, execute and perform any and all acts necessary to represent it in seeking from PPA the corresponding **COR** being applied for.

I have complied and secured all the necessary government clearances/permits necessary to operate my business.

I hereby authorize your duly authorized official/employee to verify the statements/documents and information submitted herewith, to substantiate my eligibility as an applicant for a private port permit.

It is understood that I have complied with the requirements of other concerned government agencies prior to the operation of the private port and I am fully responsible and accountable in complying with said requirements.

I hereby acknowledge that I have full knowledge of pertinent law, regulation covering private port operation.

I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be a ground for the cancellation of the **COR** issued, without prejudice to the filing of appropriate administrative, civil and criminal action against me and/or the company/entity I represent.

I hereby hold PPA free from all liens, encumbrances and liabilities resulting from non-compliance therewith.

I am executing this Omnibus Sworn Statement to attest to the veracity of the foregoing statements in support of the above-cited application.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____, in the City of _____, Philippines.

Applicant/Authorized Representative

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, in the City of _____, Philippines.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

APPLICATION FOR REQUEST FOR CHANGE OF NAME IN THE COR

APPLICANT PROFILE

Name of Company:		Tracking No.: CON-001-2021	
Name of Applicant/Authorized Representative:			
Address 1 (Office Address)		Telephone Number 1:	
Address 2 (Billing Address):		Telephone Number 1:	
E-Mail Address:		Fax Number	
Tax Identification Number (TIN)		SEC Reg. No.:	DTI Reg. No.:
		CDA Reg. No.:	
Business Type:	☐ Single Proprietorship	☐ Partnership	☐ Corporation
	☐ Joint Venture	☐ Cooperative	
Nature of Business:			

PRIVATE PORT PROFILE

Port Facility/Structure/s to be put-up including its dimensions:			
Estimated Cost of the Project:		Intended use/purpose:	
Location/Site of Private Port: Barangay _____ Municipality _____ Province _____			
Zone of Significant Port Interest	Area size (in sq.m.) (Port Control)	TCT No. and Owner (Back-Up Area)	Area Size (sq.m.)
Environmental Compliance Certificate (ECC) No.			

DOCUMENTARY REQUIREMENTS

(Put (✓) if submitted, (x) if not available)

Note: Application form and corresponding Omnibus Undertaking (Sworn Affidavit) shall be filed in three (3) clear legible copies including the original

- ☐ 1. Duly filled-out application form and Notarized Omnibus Undertaking
- ☐ 2. Original Secretary's Certificate designating the authorized representative of the company to transact business with the Authority
- ☐ 3. Certified True Copy of DTI/SEC/CDA Registration or JV Agreement, whichever is applicable
- ☐ 4. Updated PFSA/PSFP duly received by OTS

VALIDATION FOR PPA USE ONLY

☐ Filing Fee ☐ O.R. No. _____ Date _____	Remarks: ☐ Endorse to Head Office/CSD ☐ Return to Applicant Reason/s: _____ _____ _____
Received by: BDMO/BDMS/Authorized Personnel: _____ Printed Name & Signature	Noted by the Port Manager: _____ Printed Name & Signature

**OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

A F F I D A V I T

I, (Name of Applicant/Authorized Representative), of legal age, (Civil Status), (Position/Title), (Name of Company/Address), after having been duly sworn in accordance with law, do hereby depose and state that;

I hereby apply for the Authority's issuance of **Certificate of Registration (COR) for Change of Name for non-commercial private port /commercial private port** located at (Address of the Applied Private Port).

As port applicant/port owner/operator /duly authorized representative of the company, I have full power and authority to do, execute and perform any and all acts necessary to represent it in seeking from PPA the corresponding **COR** being applied for.

I have complied and secured all the necessary government clearances/permits necessary to operate my business.

I hereby authorize your duly authorized official/employee to verify the statements/documents and information submitted herewith, to substantiate my eligibility as an applicant for a private port permit.

It is understood that I have complied with the requirements of other concerned government agencies prior to the operation of the private port and I am fully responsible and accountable in complying with said requirements.

I hereby acknowledge that I have full knowledge of pertinent law, regulation covering private port operation.

I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be a ground for the cancellation of the **COR** issued, without prejudice to the filing of appropriate administrative, civil and criminal action against me and/or the company/entity I represent.

I hereby hold PPA free from all liens, encumbrances and liabilities resulting from non-compliance therewith.

I am executing this Omnibus Sworn Statement to attest to the veracity of the foregoing statements in support of the above-cited application.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____, in the City of _____, Philippines.

Applicant/Authorized Representative

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, in the City of _____, Philippines.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____



**APPLICATION FOR CERTIFICATE OF REGISTRATION (COR)
(FOR THE CONVEYANCE OF PORT FACILITIES AND COR)**

APPLICANT PROFILE

Name of Company:		Tracking No.: CPF-001-2021	
Name of Applicant/Authorized Representative:			
Address 1 (Office Address)		Telephone Number 1:	
Address 2 (Billing Address):		Telephone Number 1:	
E-Mail Address:		Fax Number	
Tax Identification Number (TIN)		SEC Reg. No.:	DTI Reg. No.:
		CDA Reg. No.:	
Business Type:	☐ Single Proprietorship	☐ Partnership	☐ Corporation
	☐ Joint Venture	☐ Cooperative	
Nature of Business:			

PRIVATE PORT PROFILE

Port Facility/Structure/s to be put-up including its dimensions:			
Estimated Cost of the Project:		Intended use/purpose:	
Location/Site of Private Port: Barangay _____ Municipality _____ Province _____			
Zone of Significant Port Interest	Area size (in sq.m.) (Port Control)	TCT No. and Owner (Back-Up Area)	Area Size (sq.m.)
Environmental Compliance Certificate (ECC) No.			

DOCUMENTARY REQUIREMENTS

(Put (✓) if submitted, (x) if not available)

Note: Application form and corresponding Omnibus Undertaking (Sworn Affidavit) shall be filed in three (3) clear legible copies including the original

- | | |
|--|--|
| ☐ 1. Duly filled-out application form and Notarized Omnibus Undertaking
☐ 2. Original Secretary's Certificate designating the authorized representative of the company to transact business with the Authority
☐ 3. Certified True Copy of DTI/SEC/CDA Registration or JV Agreement, whichever if applicable
☐ 4. Certified true copy of duly notarized legal document of the proof of conveyance | ☐ 5. Duly notarized conformity of the previous owner/operator of the said conveyance
☐ 6. Certified true copy of the Board Resolutions or legal document allowing the signatory of the conveyance to enter into such contract
☐ 7. Updated PFSA/PFSP duly received by OTS |
|--|--|

VALIDATION FOR PPA USE ONLY

☐ Filing Fee
☐ O.R. No. _____
 Date _____

Received by:

PMO Authorized Personnel:

Printed Name & Signature

Remarks:

☐ Endorse to Head Office/CSD

☐ Return to Applicant

Reason/s: _____

Noted by the Port Manager:

Printed Name & Signature

**OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

AFFIDAVIT

I, (Name of Applicant/Authorized Representative), of legal age, (Civil Status), (Position/Title), (Name of Company/Address), after having been duly sworn in accordance with law, do hereby depose and state that;

I hereby apply for the Authority's issuance of **Certificate of Registration (COR) for Conveyance of Port Facilities** of a **non-commercial private port/ commercial private port** located at (Address of the Applied Private Port).

As port applicant/port owner/operator /duly authorized representative of the company, I have full power and authority to do, execute and perform any and all acts necessary to represent it in seeking from PPA the corresponding COR being applied for.

I have complied and secured all the necessary government clearances/permits necessary to operate my business.

I hereby authorize your duly authorized official/employee to verify the statements/documents and information submitted herewith, to substantiate my eligibility as an applicant for a private port permit.

It is understood that I have complied with the requirements of other concerned government agencies prior to the operation of the private port and I am fully responsible and accountable in complying with said requirements.

I hereby acknowledge that I have full knowledge of pertinent law, regulation covering private port operation.

I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be a ground for the cancellation of the **COR** issued, without prejudice to the filing of appropriate administrative, civil and criminal action against me and/or the company/entity I represent.

I hereby hold PPA free from all liens, encumbrances and liabilities resulting from non-compliance therewith.

I am executing this Omnibus Sworn Statement to attest to the veracity of the foregoing statements in support of the above-cited application.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____, in the City of _____, Philippines.

Applicant/Authorized Representative

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, in the City of _____, Philippines.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

**APPLICATION FOR CERTIFICATE OF REGISTRATION (COR)
FOR CONVERSION OF A NON-COMMERCIAL PRIVATE PORT TO COMMERCIAL PRIVATE PORT**

APPLICANT PROFILE

Name of Company:		Tracking No.: RFC-001-2021	
Name of Applicant/Authorized Representative:			
Address 1 (Office Address)		Telephone Number 1:	
Address 2 (Billing Address):		Telephone Number 1:	
E-Mail Address:		Fax Number	
Tax Identification Number (TIN)		SEC Reg. No.:	CDA Reg. No.:
Business Type: ☐ Partnership ☐ Corporation ☐ Joint Venture ☐ Cooperative			
Nature of Business:			

PRIVATE PORT PROFILE

Port Facility/Structure/s to be put-up including its dimensions:			
Estimated Cost of the Project:		Intended use/purpose:	
Location/Site of Private Port: Barangay _____ Municipality _____ Province _____			
Zone of Significant Port Interest	Area size (in sq.m.) (Port Control)	TCT No. and Owner (Back-Up Area)	Area Size (sq.m.)
Environmental Compliance Certificate (ECC) No.			

DOCUMENTARY REQUIREMENTS

(Put (✓) if submitted, (x) if not available)

Note: Application form and corresponding Omnibus Undertaking (Sworn Affidavit) shall be filed in three (3) clear legible copies including the original

- | | |
|---|---|
| ☐ 1. Duly filled-out application form and Notarized Omnibus Undertaking
☐ 2. Original copy of Secretary's Certificate designating the authorized representative to transact business with the Authority
☐ 3. Certified True Copy of DTI/SEC/CDA Registration of JV Agreement, whichever is applicable
☐ 4. Audited Financial Statements for the last three (3) years | ☐ 5. Feasibility study of the Proposed Conversion indicating the following:
a. Demand Projection
b. Estimated Revenue for the remaining term
c. Economic Impact Assessment
d. Technical study for improvements to be made on the existing port structure
☐ 6. Updated PFSA/PSFP duly received by OTS |
|---|---|

VALIDATION FOR PPA USE ONLY

☐ Filing Fee ☐ O.R. No. _____ Date _____	Remarks: ☐ Endorse to Head Office/CSD ☐ Return to Applicant Reason/s: _____ _____ _____
Received by:	
ESD/Authorized Personnel:	
	Noted by the Port Manager:
	_____ Printed Name & Signature

**OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

A F F I D A V I T

I, (Name of Applicant/Authorized Representative), of legal age, (Civil Status), (Position/Title), (Name of Company/Address), after having been duly sworn in accordance with law, do hereby depose and state that;

I hereby apply for the Authority's issuance of **Certificate of Registration (COR) for Conversion of Non-Commercial Private Port to Commercial Private Port** located at (Address of the Applied Private Port).

As port applicant/port owner/operator /duly authorized representative of the company, I have full power and authority to do, execute and perform any and all acts necessary to represent it in seeking from PPA the corresponding **COR** being applied for.

I have complied and secured all the necessary government clearances/permits necessary to operate my business.

I hereby authorize your duly authorized official/employee to verify the statements/documents and information submitted herewith, to substantiate my eligibility as an applicant for a private port permit.

It is understood that I have complied with the requirements of other concerned government agencies prior to the operation of the private port and I am fully responsible and accountable in complying with said requirements.

I hereby acknowledge that I have full knowledge of pertinent law, regulation covering private port operation.

I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be a ground for the cancellation of the **COR** issued, without prejudice to the filing of appropriate administrative, civil and criminal action against me and/or the company/entity I represent.

I hereby hold PPA free from all liens, encumbrances and liabilities resulting from non-compliance therewith.

I am executing this Omnibus Sworn Statement to attest to the veracity of the foregoing statements in support of the above-cited application.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____, in the City of _____, Philippines.

Applicant/Authorized Representative

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, in the City of _____, Philippines.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____



APPLICATION FOR PERMIT TO OPERATE OF TURNED OVER PRIVATE PORTS

APPLICANT PROFILE

Name of Company:		Tracking No.: PTO-001-2021	
Name of Applicant/Authorized Representative:			
Address 1 (Office Address)		Telephone Number 1:	
Address 2 (Billing Address):		Telephone Number 1:	
E-Mail Address:		Fax Number	
Tax Identification Number (TIN)		SEC Reg. No.:	DTI Reg. No.:
		CDA Reg. No.:	
Business Type: ☐ Single Proprietorship ☐ Partnership ☐ Corporation ☐ Joint Venture ☐ Cooperative			
Nature of Business:			

PRIVATE PORT PROFILE

Port Facility/Structure/s to be turned-over including its dimensions:			
Estimated Cost of the Project:		Intended use/purpose:	
Location/Site of Private Port: Barangay _____ Municipality _____ Province _____			
Zone of Significant Port Interest	Area size (in sq.m.) (Port Control)	TCT No. and Owner (Back-Up Area)	Area Size (sq.m.)
Environmental Compliance Certificate (ECC) No.			

DOCUMENTARY REQUIREMENTS

(Put (✓) if submitted, (x) if not available)

Note: Application form and corresponding Omnibus Undertaking (Sworn Affidavit) shall be filed in three (3) clear legible copies including the original

- ☐ 1. Letter of Intent
- ☐ 2. Duly filled-out application form and Notarized Omnibus Undertaking
- ☐ 3. Original Secretary's Certificate designating the authorized representative of the company to transact business with the Authority
- ☐ 4. Certified True Copy of DTI/SEC/CDA Registration or JV Agreement, whichever is applicable
- ☐ 5. Certified True Copy of Turned-Over Documents and appropriate tenurial instruments and ECC, if applicable.
- ☐ 6. Certification of Structural Soundness of port facilities certified by a Licensed Civil Engineer

VALIDATION FOR PPA USE ONLY

☐ Filing Fee ☐ O.R. No. _____ Date _____	Remarks: ☐ Endorse to Head Office/CSD ☐ Return to Applicant Reason/s: _____ _____ _____
Received by:	
ESD/Authorized Personnel:	
Printed Name & Signature	Noted by the Port Manager:
	Printed Name & Signature

**OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

A F F I D A V I T

I, (Name of Applicant/Authorized Representative), of legal age, (Civil Status), (Position/Title), (Name of Company/Address), after having been duly sworn in accordance with law, do hereby depose and state that;

I hereby apply for the Authority's issuance of **Permit to Operate (PTO) of Turned-over Private Ports** located at (Address of the Applied Private Port).

As port applicant/port owner/operator /duly authorized representative of the company, I have full power and authority to do, execute and perform any and all acts necessary to represent it in seeking from PPA the corresponding **PTO** being applied for.

I have complied and secured all the necessary government clearances/permits necessary to operate my business.

I hereby authorize your duly authorized official/employee to verify the statements/documents and information submitted herewith, to substantiate my eligibility as an applicant for a private port permit.

It is understood that I have complied with the requirements of other concerned government agencies prior to the operation of the private port and I am fully responsible and accountable in complying with said requirements.

I hereby acknowledge that I have full knowledge of pertinent law, regulation covering private port operation.

I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be a ground for the cancellation of the **PTO** issued, without prejudice to the filing of appropriate administrative, civil and criminal action against me and/or the company/entity I represent.

I hereby hold PPA free from all liens, encumbrances and liabilities resulting from non-compliance therewith.

I am executing this Omnibus Sworn Statement to attest to the veracity of the foregoing statements in support of the above-cited application.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____, in the City of _____, Philippines.

Applicant/Authorized Representative

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, in the City of _____, Philippines.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

APPLICATION FOR PERMIT TO DEVELOP AND CONSTRUCT (PDC) FOR PRIVATE RORO OPERATIONS

APPLICANT PROFILE

Name of Company:		Tracking No.:	
Name of Applicant/Authorized Representative:			
Address 1 (Office Address)		Telephone Number 1:	
Address 2 (Billing Address):		Telephone Number 1:	
E-Mail Address:		Fax Number	
Tax Identification Number (TIN)		SEC Reg. No.:	DTI Reg. No.:
		CDA Reg. No.:	
Business Type:	☐ Single Proprietorship ☐ Partnership ☐ Corporation ☐ Joint Venture ☐ Cooperative		
Nature of Business:			

PRIVATE PORT PROFILE

Port Facility/Structure/s to be put-up including its dimensions:			
Estimated Cost of the Project:		Intended use/purpose:	
Location/Site of Private Port:	Barangay	Municipality	Province
Zone of Significant Port Interest	Area size (in sq.m.) (Port Control)	TCT No. and Owner (Back-Up Area)	Area Size (sq.m.)
Environmental Compliance Certificate (ECC) No.			

DOCUMENTARY REQUIREMENTS

(Put (✓) if submitted, (x) if not available)

Note: Application form and corresponding Omnibus Undertaking (Sworn Affidavit) shall be filed in three (3) clear legible copies including the original

☐ 1. Duty filled-out application form and Notarized Omnibus Undertaking ☐ 2. Certified True Copy of SEC/DTI/CDA Registration or JV Agreement/Sanggunian Resolution/ Board Resolution, whichever is applicable ☐ 3. Certified true copy of Original Transfer Certificate (OCT)/Transfer Certificate of Title (TCT) for applied private port from Registry of Deeds and/or Lease Agreement ☐ 4. Original Secretary's Certificate/Partnership Certificate designating the authorized representative of the company to transact business with the Authority ☐ 5. Audited Financial Statements and Sworn Statement of Revenue for the last three (3) years. ☐ 6. Source of Funds - Certified true copy of Credit Line Commitment (CLC) equivalent to the portion to be financed by funding source the estimated cost of the port project and/or Bank Certificate provided that the amount is sufficient to cover the estimated cost of the port project ☐ 7. For newly established entities, in lieu of Audited Statement, a certified true copy of bank certificate and/or CLC shall be sufficient ☐ 8. Private port applicants shall have a minimum paid up capital of ₱100,000,000 for those applicants whose main business is on port operations ☐ 9. Company Profile ☐ 10. Port Master Plan or Feasibility study for the project, showing among others the following: ☐ a. Summary of project scope, description, intended use of the project, demand projections/market study, economic impact; ☐ b. Estimated cost of project, broken down into major components (land, civil works, equipment, etc) ☐ c. General port lay-out plan and development plan ☐ d. Vicinity map specifying the exact location of the port facility	☐ 11. Detailed Engineering (with detailed plans, working drawings/building plans, quantity and cost estimates, hydrographic and topographic survey, soil and foundation investigations, technical specifications, structural design and load analysis duly signed and sealed by a Licensed Civil Engineer and approved by private port owner/operator) ☐ 12. ZSPI Plan, duly approved by the Authority ☐ 13. Certified true copy of valid Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC), whichever is applicable and Provisional Permit or Order Award for foreshore/miscellaneous lease applications, Special Use Agreement on Protected Areas (SAPA) or Mineral Production Sharing Agreement (MPSA) and/or Approved Deed of Assignment or Transfer of Leasehold Rights, whichever is applicable ☐ 14. Philippine Reclamation Authority (PRA) Approved Application for Reclamation, if applicable
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ADDITIONAL REQUIREMENTS FOR PRIVATE RORO OPERATIONS

☐ 1. Ro-Ro Docking Facilities (an ordinary ramp must be able to accommodate a Ro-Ro vessel with 1,000 GRT or equivalent to the width of two (2) trucks ☐ 2. Passenger Terminal Facilities with basic amenities such as: sufficient passenger seats (100 pax seating capacity with a minimum area of 150 sq.m) including main entrance, departure, lounge, boarding area and emergency exit), clean comfort rooms for male/female with toilet fixtures, drinking stations and water system, child care stations with feeding area for nursing mothers/diaper changing table (minimum area of 6 sq.m), access ramps, railings for persons with disabilities /port users (maximum gradient of 1:12), priority lanes for pregnant women, women with children and senior citizens, properly labelled receptacles to segregate wastes, covered walkways to entry/exit doors, male and female ecumenical room, multi-faith prayer room (minimum area of 2.25 sq.m.), clinic (minimum of 6 sq.m.), free WIFI and charging stations, janitor area (minimum area of 2.25 sq.m); septic tank for 100 or less pax PTB, provided the effluent will be discharge to the existing sewerage system in accordance with DENR effluent standard, otherwise, provide Sewerage Treatment Plant (STP).	☐ 3. Marchalling Yard ☐ 4. Lane meter measurement area ☐ 5. Parking area ☐ 6. Security (security access control center with complete security equipment like baggage x-ray machine and K-9 dog [minimum area of 34.08 sq.m. (includes security inspection area, x-ray and ballistic room)]) ☐ 7. Health and safety facilities (designated isolation areas and sanitation stations).
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VALIDATION FOR PPA USE ONLY

☐ Filing Fee ☐ O.R. No. _____ Date _____	Remarks: ☐ Endorse to Head Office/CSD ☐ Return to Applicant Reason/s: _____
Received by: _____ ESD/Authorized Personnel: _____	Noted by the Port Manager: _____ Printed Name & Signature _____
Printed Name & Signature _____	

**OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

AFFIDAVIT

(Name of Applicant/Authorized Representative), of legal age, (Civil Status), (Position/Title), (Name of Company/Address), after having been duly sworn in accordance with law, do hereby depose and state that;

I hereby apply for the Authority's issuance of **Permit to Develop and Construct (PDC) for Private RoRo Operations** located at (Address of the Applied Private Port).

As port applicant/port owner/operator /duly authorized representative of the company, I have full power and authority to do, execute and perform any and all acts necessary to represent it in seeking from PPA the corresponding **PDC** being applied for.

I have complied and secured all the necessary government clearances/permits necessary to operate my business.

I hereby authorize your duly authorized official/employee to verify the statements/documents and information submitted herewith, to substantiate my eligibility as an applicant for a private port permit.

It is understood that I have complied with the requirements of other concerned government agencies prior to the operation of the private port and I am fully responsible and accountable in complying with said requirements.

I hereby acknowledge that I have full knowledge of pertinent law, regulation covering private port operation.

I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be a ground for the cancellation of the **PDC** issued, without prejudice to the filing of appropriate administrative, civil and criminal action against me and/or the company/entity I represent.

I hereby hold PPA free from all liens, encumbrances and liabilities resulting from non-compliance therewith.

I am executing this Omnibus Sworn Statement to attest to the veracity of the foregoing statements in support of the above-cited application.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____, in the City of _____, Philippines.

Applicant/Authorized Representative

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, in the City of _____, Philippines.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

APPLICATION FOR CERTIFICATE OF REGISTRATION (COR) FOR PRIVATE RORO OPERATIONS
☐
New
☐
Renewal
APPLICANT PROFILE

Name of Company:				Tracking No.:	
Name of Applicant/Authorized Representative:					
Address 1 (Office Address)			Telephone Number 1:		
Address 2 (Billing Address):			Telephone Number 1:		
E-Mail Address:			Fax Number		
Tax Identification Number (TIN)			SEC Reg. No.:	DTI Reg. No.:	CDA Reg. No.:
Business Type:	☐ Single Proprietorship	☐ Partnership	☐ Corporation	☐ Joint Venture	☐ Cooperative
Nature of Business:					

PRIVATE PORT PROFILE

Port Facility/Structure/s to be put-up including its dimensions:					
Estimated Cost of the Project:			Intended use/purpose:		
Location/Site of Private Port:		Barangay	Municipality	Province	
Zone of Significant Port Interest	Area size (in sq.m.) (Port Cor	TCT No. and Owner (Back-Up Area)		Area Size (sq.m.)	
Environmental Compliance Certificate (ECC) No.					

DOCUMENTARY REQUIREMENTS

(Put (✓) if submitted, (x) if not available)

Note: Application form and corresponding Omnibus Undertaking (Sworn Affidavit) shall be filed in three (3) clear legible copies including the original

NEW APPLICATION

- ☐ 1. Duly filled-out application form and Notarized Omnibus Undertaking
- ☐ 2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
- ☐ 3. Certified true copy of As-Built Plan duly signed and sealed by the Licensed Civil Engineer and Owner
- ☐ 4. Certified true copy of Project Completion Report including the Material testing results of fendering systems, mooring bollard and other basic components of the port facility/equipment installed
- ☐ 5. Approved Foreshore Lease or Miscellaneous Lease Contract, SAPA or MPSA, whichever is applicable and/or Approved Deed of Assignment or
- ☐ 6. Certified true copy of the Office of the Transport Security (OTS) Port Facility Security Assessment (PFSA)

RENEWAL APPLICATION

- ☐ 1. Duly filled-out application form and Notarized Omnibus Undertaking
- ☐ 2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
- ☐ 3. Certification of Structural Soundness of Private Port Facilities signed by a Licensed Civil Engineer
- ☐ 4. Amended ECC for additional facilities or improvement not covered in the previous ECC, if applicable
- ☐ 5. Certificate of Compliance on PFSA and PFSP issued by OTS

VALIDATION FOR PPA USE ONLY

☐ Filing Fee
☐ O.R. No. _____
Date _____

Received by:

ESD/Authorized Personnel:

Printed Name & Signature

Remarks:

☐ Endorse to Head Office/CSD

☐ Return to Applicant

Reason/s: _____

Noted by the Port Manager:

Printed Name & Signature

**OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

AFFIDAVIT

(Name of Applicant/Authorized Representative), of legal age, (Civil Status), (Position/Title), (Name of Company/Address), after having been duly sworn in accordance with law, do hereby depose and state that;

I hereby apply for the Authority's issuance of **Certificate of Registration (COR) for Private RoRo Operations** located at (Address of the Applied Private Port).

As port applicant/port owner/operator /duly authorized representative of the company, I have full power and authority to do, execute and perform any and all acts necessary to represent it in seeking from PPA the corresponding **COR** being applied for.

I have complied and secured all the necessary government clearances/permits necessary to operate my business.

I hereby authorize your duly authorized official/employee to verify the statements/documents and information submitted herewith, to substantiate my eligibility as an applicant for a private port permit.

It is understood that I have complied with the requirements of other concerned government agencies prior to the operation of the private port and I am fully responsible and accountable in complying with said requirements.

I hereby acknowledge that I have full knowledge of pertinent law, regulation covering private port operation.

I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be a ground for the cancellation of the **COR** issued, without prejudice to the filing of appropriate administrative, civil and criminal action against me and/or the company/entity I represent.

I hereby hold PPA free from all liens, encumbrances and liabilities resulting from non-compliance therewith.

I am executing this Omnibus Sworn Statement to attest to the veracity of the foregoing statements in support of the above-cited application.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____, in the City of _____, Philippines.

Applicant/Authorized Representative

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, in the City of _____, Philippines.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____



APPLICATION FOR ZONE OF SIGNIFICANT PORT INTEREST (ZSPI)

APPLICANT PROFILE

Name of Company:			Tracking No.:		
Name of Applicant/Authorized Representative:					
Address 1 (Office Address)			Telephone Number 1:		
Address 2 (Billing Address):			Telephone Number 1:		
E-Mail Address:			Fax Number		
Tax Identification Number (TIN)			SEC Reg. No.:		DTI Reg. No.:
			CDA Reg. No.:		
Business Type: ☐ Single Proprietorship ☐ Partnership ☐ Corporation ☐ Joint Venture ☐ Cooperative					
Nature of Business:					

PRIVATE PORT PROFILE

☐ Existing		☐ Renewal		☐ New	
Port Facility/Structure/s to be put-up including its dimensions:					
Project Cost/Capital Investment:			Intended use/purpose:		
Location/Site of Private Port:		Barangay		Municipality	
				Province	
Zone of Significant Port Interest (Port Control) - Area Size (in sq. m.)					

DOCUMENTARY REQUIREMENTS

(Put (✓) if submitted, (x) if not available)

- ☐ 1. Duly filled-out application form and Notarized Omnibus Undertaking
- ☐ 2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
- ☐ 3. Hydro-topographic survey
- ☐ 4. ZSPI Plan

VALIDATION FOR PPA USE ONLY

☐ Filing Fee

☐ O.R. No. _____

Date _____

Remarks:

☐ Endorse to Head Office/CSD☐ Return to Applicant

Reason/s: _____

Received by:

ESD/Authorized Personnel:

Printed Name & Signature

Noted by the Port Manager:

Printed Name & Signature

**OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

AFFIDAVIT

(Name of Applicant/Authorized Representative), of legal age, (Civil Status), (Position/Title), (Name of Company/Address), after having been duly sworn in accordance with law, do hereby depose and state that;

I hereby apply for the Authority's issuance of **Approved ZSPI Plan** of private port located at (Address of the Applied Private Port).

As port applicant/port owner/operator /duly authorized representative of the company, I have full power and authority to do, execute and perform any and all acts necessary to represent it in seeking from PPA the corresponding **ZSPI Plan** being applied for.

I have complied and secured all the necessary government clearances/permits necessary to operate my business.

I hereby authorize your duly authorized official/employee to verify the statements/documents and information submitted herewith, to substantiate my eligibility as an applicant for a private port permit.

It is understood that I have complied with the requirements of other concerned government agencies prior to the operation of the private port and I am fully responsible and accountable in complying with said requirements.

I hereby acknowledge that I have full knowledge of pertinent law, regulation covering private port operation.

I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be a ground for the cancellation of the **Approved ZSPI Plan**, without prejudice to the filing of appropriate administrative, civil and criminal action against me and/or the company/entity I represent.

I hereby hold PPA free from all liens, encumbrances and liabilities resulting from non-compliance therewith.

I am executing this Omnibus Sworn Statement to attest to the veracity of the foregoing statements in support of the above-cited application.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____, in the City of _____, Philippines.

Applicant/Authorized Representative

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, in the City of _____, Philippines.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____



APPLICATION FOR PROVISIONAL AUTHORITY TO OPERATE (PAO)

☐

New

☐

Renewal

APPLICANT PROFILE

Name of Company:		Tracking No.:	
Name of Applicant/Authorized Representative:			
Address 1 (Office Address)		Telephone Number 1:	
Address 2 (Billing Address):		Telephone Number 1:	
E-Mail Address:		Fax Number	
Tax Identification Number (TIN)		SEC Reg. No.:	DTI Reg. No.:
Business Type:		CDA Reg. No.:	
☐ Single Proprietorship	☐ Partnership	☐ Corporation	☐ Joint Venture
☐ Cooperative			
Nature of Business:			

PRIVATE PORT PROFILE

List of Port Facility/Structure/s including its dimensions:			
Intended use/purpose:			
Location/Site of Private Port:		Barangay	Municipality
		Province	
Zone of Significant Port Interest	Area size (in sq.m.) (Port Core)	TCT No. and Owner (Back-Up Area)	Area Size (sq.m.)
Environmental Compliance Certificate (ECC) No.			

DOCUMENTARY REQUIREMENTS

(Put (✓) if submitted, (x) if not available)

Note: Application form and corresponding Omnibus Undertaking (Sworn Affidavit) shall be filed in three (3) clear legible copies including the original

NEW APPLICATION

- ☐ 1. Letter of Intent
☐ 2. Duly filled-out application form and Notarized Omnibus Undertaking
☐ 3. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
☐ 4. Copy of payment of occupancy fee paid to DENR

RENEWAL APPLICATION

- ☐ 1. Letter of Intent
☐ 2. Duly filled-out application form and Notarized Omnibus Undertaking
☐ 3. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
☐ 4. Copy of payment of occupancy fee paid to DENR

VALIDATION FOR PPA USE ONLY

☐ Filing Fee
☐ O.R. No. _____
 Date _____

Received by:

ESD/Authorized Personnel:

Printed Name & Signature

Remarks:

☐ Endorse to Head Office/CSD

☐ Return to Applicant

Reason/s: _____

Noted by the Port Manager:

Printed Name & Signature

**OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)**

REPUBLIC OF THE PHILIPPINES)
CITY/MUNICIPALITY OF _____) S.S.

AFFIDAVIT

(Name of Applicant/Authorized Representative), of legal age, (Civil Status), (Position/Title), (Name of Company/Address), after having been duly sworn in accordance with law, do hereby depose and state that;

I hereby apply for the Authority's issuance of **Provisinal Authority to Operate (PAO)for Private Ports to be tunned over to the government**
located at (Address of the Applied Private Port).

As port applicant/port owner/operator /duly authorized representative of the company, I have full power and authority to do, execute and perform any and all acts necessary to represent it in seeking from PPA the corresponding **PAO** being applied for.

I have complied and secured all the necessary government clearances/permits necessary to operate my business.

I hereby authorize your duly authorized official/employee to verify the statements/documents and information submitted herewith, to substantiate my eligibility as an applicant for a private port permit.

It is understood that I have complied with the requirements of other concerned government agencies prior to the operation of the private port and I am fully responsible and accountable in complying with said requirements.

I hereby acknowledge that I have full knowledge of pertinent law, regulation covering private port operation.

I hereby acknowledge that I have fully read the information supplied in the application and any false or misleading information provided therein shall be a ground for the cancellation of the **PAO** issued, without prejudice to the filing of appropriate administrative, civil and criminal action against me and/or the company/entity I represent.

I hereby hold PPA free from all liens, encumbrances and liabilities resulting from non-compliance therewith.

I am executing this Omnibus Sworn Statement to attest to the veracity of the foregoing statements in support of the above-cited application.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____, in the City of _____, Philippines.

Applicant/Authorized Representative

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____, in the City of _____, Philippines.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

COMPUTATION OF SURCHARGE AND INTEREST AND PENALTY INCURRED FOR LATE FILING OF RENEWAL APPLICATION

- COR/PTO No. 000 valid until 3/31/2010
- Renewal Application Filed & Payment of Filing Fee made on 12/3/2020
- Date of Payment of Surcharge: 12/11/2020 (per submitted O.R. No. BP20-000000248885 amounting to Php4,408,404.00)

Per PPA AO 02-2009 (Effective April 25, 2009)

*C. Surcharge for Late Registration

1. Filing of Application for registration more than six (6) months from the effectivity of this Order - P50,000.00
2. Filing of Application for registration one (1) year from the effectivity of this Order - P75,000.00
3. Filing of Application for registration after one (1) year up to two (2) years from the effectivity of this Order - P100,000.00

Computation of Surcharge

COVERED PERIOD	NO. OF DAYS	TOTAL SURCHARGE (PRINCIPAL) (in ₱)	12% VAT (in ₱)	TOTAL AMT. DUE (SURCHARGE) (in ₱)
April 1, 2010 - September 23, 2013	more than two (2) years	100,000.00	12,000.00	112,000.00
				112,000.00

Per PPA 03-2013 (Effective Sept. 24, 2013)

"...the surcharge of One Thousand Pesos (P1,000.00) per day of delay under PPA Administrative Order No. 03-2013 should be counted from the time of expiration of the COR/PTO until the complete filing of the application for renewal and payment of the prescribed filing fee."

COVERED PERIOD	NO. OF DAYS	RATE PER DAY (in ₱)	TOTAL SURCHARGE (PRINCIPAL) (in ₱)	12% VAT (in ₱)	TOTAL AMT. DUE (SURCHARGE) (in ₱)
Sept. 24, 2013 - December 31, 2013	99	1,000.00	99,000.00	11,880.00	110,880.00
January 1, 2014 - December 31, 2014	365	1,000.00	365,000.00	43,800.00	408,800.00
January 1, 2015 - December 31, 2015	365	1,000.00	365,000.00	43,800.00	408,800.00
January 1, 2016 - December 31, 2016	366	1,000.00	366,000.00	43,920.00	409,920.00
January 1, 2017 - December 31, 2017	365	1,000.00	365,000.00	43,800.00	408,800.00
January 1, 2018 - December 31, 2018	365	1,000.00	365,000.00	43,800.00	408,800.00
January 1, 2019 - December 31, 2019	365	1,000.00	365,000.00	43,800.00	408,800.00
January 1, 2020 - December 3, 2020	338	1,000.00	338,000.00	40,560.00	378,560.00
					2,943,360.00
				TOTAL SURCHARGE	3,055,360.00

"... pursuant to Section 2 of PPA Administrative Order No. 01-2002, payment of interest and penalty should be imposed and collected on the late payment of surcharge. The interest and penalty should be computed from the date of filing of application for renewal until full payment of the surcharge."

Computation of Interest and Penalty

COVERED PERIOD	NO. OF DAYS	RATE PER DAY (in ₱)	TOTAL SURCHARGE (PRINCIPAL) (in ₱)	INTEREST (in ₱)	PENALTY (in ₱)	SUB-TOTAL (INTEREST & PENALTY) (in ₱)	12% VAT (in ₱)	TOTAL AMT. DUE (INTEREST & PENALTY) (in ₱)
December 3-11, 2020	9		3,055,360.00	9,166.08	19,096.00	28,262.08	3,391.45	31,653.53
							TOTAL INTEREST AND PENALTY	31,653.53

SURCHARGE + INTEREST & PENALTY **3,087,013.53**

LESS PAYMENT MADE **4,408,404.00**

O.R. No. BP20-2020-12000064 dated 12/11/2020

DIFFERENCE (OVERPAYMENT) **(1,321,390.47)**

ANNEX E

Rules of Procedure on Violations of the Revised Policy on the Development, Construction, Operations, and Maintenance of Private Ports, Otherwise known as the "2022 Revised Policy on Private Ports"

RULE I ACTIONS

Section 1. Scope. This Rules of Procedure shall cover the violations enumerated in Section 73, Article XXIII of the Revised Policy on the Development, Construction, Operations and Maintenance of Private Ports, otherwise known as the "2022 Revised Policy on Private Ports".

Section 2. How Commenced. Any action, maybe initiated by PPA *motu proprio* or by any person upon filing of a complaint.

The party initiating the action shall be called the "Complainant", and the party against whom a complaint is filed shall be called the "Respondent".

In cases initiated by the PPA *motu proprio*, a show cause order is sufficient.

Section 3. Form and Substance. A complaint must be in writing, sworn to by the Complainant and shall contain the following:

1. Name, address, and circumstances of Complainant;
2. Name, address, and circumstances of Respondent;
3. Brief statement of the relevant facts and circumstances;
4. Certified true copy of documents and/or original copies of affidavits supporting the allegations in the complaint, if any;
5. Statement of specific violation/s of PD 857, as amended, Port Rules and Regulations, terms, and conditions of contracts;
6. Relief sought; and
7. Verification and Certification Against Forum Shopping.

In case the party is a juridical entity, the verification shall be executed by a duly authorized responsible officer and the corresponding board resolution or secretary's certificate authorizing such officer to represent the entity shall be attached to the initiatory pleading.

In the absence of any one of the aforementioned requirements, the complaint shall be dismissed without prejudice to its refiling upon compliance with the formal requirements stated hereinabove.

Section 4. Venue. The complaint shall be filed with the Office of the Port Manager having jurisdiction of the area where the controversy or cause of action was committed.

Section 5. Caption and Title. (a) If the action is initiated by any person other than the PPA, the caption shall be as provided in **Annex "E1"** hereof.

(b) In case the action is initiated by PPA *motu proprio*, the caption shall be as provided in **Annex "E2"** hereof.

Upon filing of the initial pleading, the Office of the Port Manager, shall docket the same and assign to it a number. The numbering of initial pleadings or Complaint must be consecutive according to the date they are received, and prefixed as follows:

PPA- PMO _____ - No. _____ - _____
(Name of PMO) (Year) (Number)

Section 6. Anonymous Complaint. No anonymous complaint shall be entertained unless the act complained of is of public knowledge or the allegations can be verified or supported by documentary or direct evidence. In the latter case, the PMO concerned shall validate the complaint and if validated, the same shall be prosecuted *motu proprio*. Otherwise, the anonymous complaint shall be dismissed.

Section 7. Proof of Service. The filing of the complaint shall be accompanied by proof of service to the opposing party or parties.

Service to the party or parties may be by personal delivery, or by registered mail or by private courier.

The same may likewise be done through electronic mail upon agreement of the Parties. The sending of electronic mail to the other party/parties should be done during business hours and working days only. For purposes of this Section, business hours shall be from 8:00 in the morning up to 6:00 in the evening and working days shall be from Mondays to Fridays, except declared holidays.

Section 8. Filing Fee. A filing fee of One Thousand Pesos (P1,000.00) shall be paid by the Complainant upon the filing of the Complaint. A copy of the official receipt (OR) shall be attached to the Complaint filed with the PMO.

Non-payment of the filing fee shall be a ground for the dismissal of the Complaint.

Section 9. Action on the Complaint. Upon receipt of a Complaint, the Port Manager shall conduct a preliminary investigation to determine compliance with the requisites of a valid complaint and the existence of a *prima facie* case. The Port Manager may create a Fact-Finding Committee (FFC) or designate an investigator for such purpose.

Section 8. Effects of Withdrawal of Complaint. The withdrawal of the complaint does not result in its outright dismissal nor discharge the person complained of from any liability where there is merit to the allegation in the complaint as initially found by the investigator/FFC or when there is documentary evidence that would tend to prove the same, the complaint may be given due course.

RULE II PRELIMINARY INVESTIGATION

Section 1. Preliminary Investigation. A preliminary investigation is a mandatory proceeding undertaken to determine whether a *prima facie* case exists to warrant the prosecution or dismissal of the Complaint.

Section 2. Creation of a Fact-Finding Committee / Designation of an Investigator. The FFC shall be composed of the following:

Division Manager as chairperson and two (2) PPA personnel, all to be designated by the Port Manager, as the case may be.

In lieu of an FFC, an Investigator may be designated by the Port Manager. The investigator shall be a Division Manager in the PMO concerned.

In the event that no Division Manager is available in the concerned PMO or if the matter is so sensitive, a Division Manager in other PMOs may be appointed or designated by the General Manager for the purpose.

The investigator/FFC shall, within fifteen (15) days from receipt of a written complaint, evaluate the same to determine its compliance with the requisites of a valid complaint and the existence of *prima facie* case to warrant the issuance of a Show Cause Order. The Show Cause Order shall be issued by the Port Manager. In the event that a *prima facie* case does not exist, the Complaint shall be dismissed.

Section 3. Clarificatory Conference. If necessary, the parties may be directed to appear before the Investigator or FFC to answer clarificatory and other relevant questions. Otherwise, an Investigation Report shall be submitted by the FFC or investigator to the Port Manager concerned.

Section 4. Investigation Report. The Investigation Report shall be in writing, signed by the Investigator or FFC and shall contain the following:

1. Statement of Facts
2. Acts complained of
3. Provisions violated; and
4. Findings and Recommendation.

Section 5. Period for the Submission of the Report. The Investigation Report shall be submitted to the concerned Port Manager within fifteen (15) calendar days from the conclusion of the investigation.

Section 6. Action on the Investigation Report. If a *prima facie* case is established, the Port Manager shall issue a Show Cause Order directing the person complained of to file an Answer within ten (10) calendar days from receipt thereof.

In addition to a Show Cause Order, a Cease-and-Desist Order (CDO) may be issued by the Port Manager *motu proprio* or upon application for the issuance of a CDO in the complaint, if in his judgement the act or practice may cause grave, irreparable injury or prejudice to the public, or hamper the operation of the PPA.

For purposes of this Rules, grave and irreparable injury is defined as "Any harm or loss that is not easily repaired, restored, or compensated by monetary consideration. A serious wrong, generally of a repeated and continuing nature that has an equitable remedy of injunctive relief".

Port Police Officers and/or responsible officers of the PPA may be deputized and shall assist in the serving of the CDO to the person complained of.

In the absence of a *prima facie* case, the complaint shall be dismissed.

RULE III

SHOW CAUSE ORDER AND CEASE AND DESIST ORDER

Section 1. Show Cause Order. Upon determination of the existence of a *prima facie* case, a Show Cause Order shall be issued by the concerned Port Manager, containing a specification of charges and a directive to submit a verified answer within ten (10) calendar days from receipt thereof.

Section 2. Cease and Desist Order. When there is an application for the issuance of a CDO or the act or practice may cause grave, irreparable injury or prejudice to the public, or hamper the operation of the PPA, a CDO may be issued in the following manner:

1. The Port Manager concerned shall act on the application for CDO within twenty-four (24) hours from the filing of the Complaint. If in his judgment, the act or practice complained of may cause grave, irreparable injury or prejudice to the public, or hamper the operation of the PPA, he shall issue an *ex parte* CDO for a period of seventy-two (72) hours from the time of issuance.
2. Thereafter, before the expiry of the seventy-two (72) hours, the Port Manager shall conduct a summary hearing to determine whether the CDO can be extended for another period.
3. If the Port Manager determines that the CDO is not proper or should no longer be extended, he shall lift the same or allow the seventy-two (72)-hour CDO to lapse.
4. If in his judgment, the CDO should be extended, he shall immediately forward his findings to the Assistant General Manager (AGM) concerned. The AGM concerned may approve or deny the recommendation of the Port Manager. If the AGM approves the recommendation, he shall issue a CDO but in no case shall the total period of the CDO exceed twenty (20) days, including the original seventy-two (72) hours. Otherwise, the original seventy-two (72)-hour CDO shall automatically be lifted upon the lapsed thereof.

The issuance of a CDO is without prejudice to PPA's exercise of other remedies under P.D. 857, as amended, and existing PPA rules and regulations.

After determination that the cited violation or deficiency has been satisfactorily rectified and the corresponding fine/penalty has been paid, the CDO may then be lifted. The Port Manager or the AGM concerned, as the case may be, shall issue an Order for the lifting of the CDO.

The CDO shall be immediately executory and shall remain in full force and effect until the same is lifted by the PPA.

RULE IV ANSWER

Section 1. Answer. Within ten (10) calendar days from receipt of the Show Cause Order, the respondent shall file a Verified Answer containing material facts and applicable laws, and attaching therewith documentary evidence, if any.

Failure to file the required answer within the prescribed period shall be considered a waiver to file the same and the case shall be deemed submitted

for resolution based on the evidence on record, unless the PPA deems it necessary to conduct clarificatory conference.

Rule V HEARING OFFICER

Section 1. Hearing Officer. The Port Manager shall designate or appoint a hearing officer to handle the case. The hearing officer shall be a Division Manager in the PMO concerned.

In the event that no Division Manager is available in the concerned PMO or if the matter is so sensitive, a Division Manager in other PMOs may be appointed or designated by the General Manager for the purpose.

The Hearing Officer shall have the authority to issue interlocutory orders.

Rule VI CLARIFICATORY CONFERENCE

Section 1. Clarificatory Conference – The Hearing Officer may conduct a clarificatory conference on any of the following, if needed.

- a. Facts;
- b. Issues;
- c. Other matters as may aid the prompt and just resolution of the case.

RULE VI PROHIBITED PLEADINGS AND MOTIONS

Section 1. Prohibited Pleadings and Motions. The following pleadings and motions shall not be allowed:

1. Motion to Dismiss;
2. Motion for a Bill of Particulars or Request for Clarification;
3. Motion for Extension of Time to File an Answer
4. Motion for Reconsideration from Interlocutory Order;
5. Dilatory Motions for Postponement;
6. Motion to Quash;
7. Motion to Declare a Party in Default;
8. Rejoinder to the Reply; and
9. Other similar pleadings or motions intended to delay the proceedings.

The Hearing Officer shall *motu proprio* order a pleading/motion that it has determined to be dilatory in nature be expunged from the records.

Rule VIII DECISION

Section 1. Decisions. The Hearing Officer shall prepare his recommendation on the outcome of the case to the Port Manager within fifteen (15) days from termination of his investigation.

Decisions and/or resolutions disposing of the merits of the case shall be rendered by the Port Manager. Said decision or resolution shall be clear, concise and include a brief statement of the following:

1. Facts of the case;
2. Issue(s);
3. Applicable law or rules;
4. Conclusion and reasons therefore, and
5. The dispositive portion.

The Rules of Court and relevant laws shall have suppletory application herein.

The Port Manager shall serve copies thereof upon the parties' counsel of record or in their absence, to the parties.

Section 2. Finality of a Decision and/or Resolution. Any decision and/or resolution shall become final and executory after the lapse of fifteen (15) calendar days from receipt thereof unless a motion for reconsideration is duly filed.

RULE IX MOTION FOR RECONSIDERATION

Section 1. Grounds. Any party aggrieved by the decision and/or resolution may file, within fifteen (15) calendar days from receipt thereof, a motion for reconsideration based on any of the following grounds:

1. Newly discovered evidence, which materially affects the decision and/or resolution;
2. The decision and/or resolution is not supported by the evidence on record; or
3. The decision and/or resolution is contrary to law or jurisprudence.

Section 2. Limitation. Only one (1) motion for reconsideration shall be allowed.

Section 3. Effects. The filing of a motion for reconsideration within the prescribed period shall stay the execution of the decision sought to be reconsidered.

Section 4. Comment. Within ten (10) calendar days from receipt of a copy of the Motion for Reconsideration, the other party may file its Comment thereto. Thereafter, the Motion shall be deemed submitted for resolution.

Failure of the party to submit its Comment within the prescribed period shall be construed as a waiver to file the same and the case shall be decided based on available records.

Rule X APPEAL

Section 1. Appeal. Any party aggrieved by the resolution on the motion for reconsideration may appeal the same within fifteen (15) calendar days from receipt thereof.

Section 2. Procedure. The following rules shall apply:

(a) An appeal from a decision and/or resolution of the Port Manager shall be perfected by filing with the General Manager a Memorandum of Appeal within fifteen (15) calendar days from receipt thereof, copy furnished the other party and the Port Manager who rendered the decision and/or resolution.

(b) Before an appeal may be given due course, it must be shown that a motion for reconsideration has been filed and resolved.

(c) Upon perfection of the appeal, the General Manager shall act on the Memorandum of Appeal and immediately order the transmittal of the records of the case.

(d) The Memorandum of Appeal shall contain the following:

1. Timeliness of Filing;
2. Brief Statement of the Case and Facts;
3. Assignment of Errors;
4. Argument and Applicable Law(s) and Jurisprudence; and
5. Relief.

Section 3. Effect. An appeal shall stay the execution of the appealed decision and/or resolution, unless the appellate office directs execution pending appeal in cases when public safety, order or interest so requires.

Section 4. Comment. Within ten (10) calendar days from receipt of a copy of the Memorandum of Appeal, the appellee may file its Comment thereto. Thereafter, the appeal shall be deemed submitted for resolution.

Failure of the party to submit its Comment within the prescribed period shall be construed as a waiver to file the same and the case shall be decided based on available records.

Section 5. Finality of Decision and/or Resolution. The decision and/or resolution of the General Manager shall become final and executory after the lapse of fifteen (15) calendar days from receipt thereof unless a motion for reconsideration thereto has been duly filed.

Section 6. Appeal. The Decision of the General Manager may be appealed before the PPA Board of Directors within fifteen (15) days from receipt of said decision.

One motion for reconsideration may be filed within ten (10) days from receipt of PPA Board of Directors' Decision.

The decision of PPA Board of Directors shall become final and executory within fifteen (15) days from receipt thereof.

Rule XI CERTIFICATE OF FINALITY

Section 1. Certificate of Finality. After the lapse of the prescribed period provided under these Rules and no motion for reconsideration or appeal has been filed, the decision and/or resolution of the PPA Board of Directors, General Manager, or Port Manager, as the case may be, shall become final and executory and a corresponding Certificate of Finality shall be issued.

Section 2. Form. The said certificate shall in be in the form provided in Annex "E3".

Rule XII EXECUTION OF DECISION

Section 1. Execution upon Finality of Decision or Resolution. A writ of execution may be issued *motu proprio* or on motion, upon a decision or resolution that has become final and executory.

Section 2. Effectivity. The writ of execution shall be effective for a period of five (5) years from issuance thereof.

Section 3. Enforcement. In executing a decision or resolution, the PPA may seek the assistance of the Sheriffs from the Courts.

Section 4. Report. The writ of execution shall be returned to the Hearing Officer immediately after the full satisfaction of the judgment award. The official enforcing the writ shall submit a report on the status of the enforcement thereof not later than thirty (30) calendar days from receipt of such writ.

ANNEX "E1"

Republic of the Philippines
PHILIPPINE PORTS AUTHORITY
Port Management Office of _____
(Office Address)

_____,
Complainant,

-versus-

Case No. PPA-PMO – No. ____ -

For: (Nature of Action)

_____,
Respondent.
X-----X

COMPLAINT

ANNEX "E2"

Republic of the Philippines
PHILIPPINE PORTS AUTHORITY
Port Management Office of _____
(Office Address)

In the Matter of _____

-versus-

Case No. PPA-PMO – No. ____ -

For: (Nature of Action)

_____,
Respondent.
X-----X

COMPLAINT

ANNEX "E3"

Republic of the Philippines
PHILIPPINE PORTS AUTHORITY
Port Management Office of _____
(Office Address)

_____,
Complainant,

-versus- Case No. PPA-PMO – No. ____ -
For: (Nature of Action)

_____,
Respondent.

X-----
X

CERTIFICATE OF FINALITY

This is to certify that the Decision/Resolution dated _____ on the above-entitled case, the dispositive portion of which reads:

"xxx xxx xxx"

Has become final and executory there being no appeal or motion for reconsideration filed by any interested party within the prescribed period.

Issued this ____ day of _____, in the City of _____, Philippines.

(Sgd.) GM/PM

ANNEX F

Article I- ADMINISTRATION AND MANAGEMENT OF ZSPI AREAS

Section 1. Administration and Management of ZSPI. All registered private ports shall have an approved ZSPI which defines the metes and bounds of the private ports. The ZSPI Plan shall indicate the boundaries of both land and water areas situated on the proposed private port facilities including the following factors:

- a. Turning basin for maneuvering of vessels
- b. Distance of the berthing facilities from anchorage, which may be different from each private port depending on the type of operations of private ports (pipeline, mining, bulk, breakbulk or containerized)
- c. International and domestic regulatory requirements
- d. Should not cover security zones
- e. Clear from restrictions of local government units, such as marine sanctuary, among others
- f. The zones can be shared by neighboring private ports, provided that distance must be observed, particularly on maneuvering of vessels.

Section 2. Design Parameters of ZSPI Plan. The ZSPI plan describing the metes and bounds as of the Port Control, Zone of Influence and Zone of Interest shall consider the following design parameters:

DESIGN PARAMETERS		
PORT CONTROL	ZONE OF INFLUENCE	ZONE OF INTEREST
LANDSIDE		
• The landside boundary shall be the upper limit of the foreshore area and may include Road Right of Way (RROW) if road is parallel and within 100 meters of upper limit • Will Include the reclaimed or original land directly used in port operations and all the	• At least 500 meters from the edge Port Control both sideways • Areas proximate to Port Control used or reserved for port-related activities and value-added services (e.g.	• Up to 1 kilometer from the limit of Port Control shall be classified as part of the Zone of Interest • Will include areas used or reserved for industries that support or promote the

structures found therein and defined in the Port's Master Plan • Boundary shall not be less than 30 meters from the shoreline • Will include the port access road from the highway leading to the port site/s. The road from the highway leading to the port site/s is normally 15 and 20 meters wide for port/s catering to general cargoes and containers, respectively. • Lateral boundary shall not be less than 500 meters from each side of the port, if applicable; otherwise to be limited to the end of the existing port structure. • The boundary of the ZSPI along the coastline should not include private properties or titled lots except if the port operator deemed that it is more practical to acquire to acquire private port/s rather than reclaiming a back-up area intended as storage facilities/yard or for any port -related activities then the port operator may do so.	container yards, warehouses, distribution centers, logistics services)	port's trade flows • May include industrial estates, ecozones • LGU's CLUP is a good reference
WATERSIDE		
• Shall include all port structures/areas like: ➢ Breasting dolphins ➢ Breakwaters ➢ Entrance channels ➢ Anchorage areas • Shall not cover and/or overlap with any of the following areas for specific purposes, such	• 1.852 kilometers (one [1] nautical mile [NM]) from the Port Control shall be classified as the limit for Zone of Influence which may use for buffer zone and anchorage of	• 3.704 kilometers (two [2] nautical miles [NM]) from the Zone of Influence shall be considered part of Zone of Interest • Shall not cover and/or overlap

as ➤ Marine sanctuary ➤ Naval stations including PPA's Port Zone Delineation (PZD) • Shall be at least 1000 meters from the edge of the berthing structures to have sufficient areas for turning basin, anchorage and maneuvering of vessels. • Lateral boundaries shall not be less than 500 meters from each side of the port, if applicable, otherwise to be limited to the end of the existing port structure • It shall not include any island (s) or other landforms that are unnecessary in port operations.	vessels • Shall not cover and/or overlap with any of the following areas for specific purposes, such as: ➤ Marine sanctuary ➤ Naval station including the PPA's Port Zone Delineation (PZD) • Shall not include any island(s) or any other landforms that are unnecessary in port operations.	with any of the following areas for specific purposes, such as: ➤ Marine sanctuary ➤ Naval station including PPA's Port Zone Delineation (PZD) • Shall not include any island(s) or any landforms that are unnecessary in port operations.
FOR EXISTING PRIVATE PORTS		
• Operates by private ports which includes all structures/facilities constructed at the foreshore, offshore areas and river banks based on the approved PTC or COR/PTO (i.e. pier, wharf, RORO ramp, dolphins, trestle, breakwater, navigational marks, entrance channels, anchorage areas		
FOR EXISTING PRIVATE PORT WITH NO ADJACENT PRIVATE PORT		
• Area of Port Control shall be based on the approved PTC and/or COR/PTO	• The area under the Zone of Influence shall be at least 500 meters from the edge of the Port Control both	• The area under the Zone of Interest shall be at least 1,000 meters (0.54 NM) from the

	sideways and 500 meters (0.270 NM) towards the sea, if applicable.	Zone of Influence towards the sea, if applicable.
FOR EXISTING PRIVATE PORTS WITH ADJACENT PRIVATE PORTS		
Area of Port Control shall be based on approved Permit to Construct (PTC) and/or Certificate of Registration/permit to Operate (COR/PTO)	- Private ports which are already constructed proximate with each other and the required parallel distance of 500 meters could not be met, then the clear distance between the two (2) ports shall be divided equally between them, if applicable) - Existing private ports that have less than 500 meters (0.270 NM) radius on the designated Zone of Influence shall have a Common Turning Basin/Anchorage Areas and will comply with the First Come, First Serve Policy.	
PRIVATE PORTS WITHIN THE PZD		
Area of Port Control shall be based on the approved PTC and/or COR/PTO	Private ports within the PZD shall have no Zones of Influence and Interest, only Port Control.	
RIVER PORTS		
Area of Port Control shall be based on approved PTC and/or COR/PTO	River ports shall have no Zones of Influence and Interest, only Port Control.	

Section 3. Requirements. To be eligible to apply to develop, construct and operate a private port, the applicant shall comply with all of the following requirements for the submission of ZSPI Plan:

PARTICULAR	Requirements
ZSPI Plan	1. Duly filled-out application form and Notarized Omnibus Undertaking
	2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
	3. Hydro-topographic survey
	4. ZSPI Plan considering the design parameters stipulated in Section 2 of this Annex

ARTICLE II – EVALUATION PROCESS FOR THE SUBMISSION OF ZSPI PLAN

Section 4. Completeness Check. The concerned PMO, upon receipt of the application, shall immediately check the completeness of the submitted documents in accordance with these Rules, and applicable laws. Incomplete submissions of documentary requirements shall not be accepted and shall be returned to the **applicant** immediately. Only applicants with complete documentary requirements shall pay the corresponding filing fee, **which is non-refundable**, at the concerned PMO or Treasury Department

Section 5. Initial Evaluation. The PMO shall verify the validity and authenticity of the documents submitted and endorse **within seven (7) working days** the application to CSD for review including Treasury Department's Certification of No Outstanding Obligation. The PMO shall also notify the applicant that the validation and evaluation of the application has commenced

Section 6. Review of Evaluation. The CSD in coordination with Engineering Office thru Port Planning and Design Department (PPDD) shall **within five (5) working days** review the initial evaluation conducted by PMO and endorse the complete staff work to AGM for Operations/ AGM for Engineering

Section 7. Endorsement of the Application. The AGM for Operations and AGM for Engineering shall **within four (4) working days** shall endorse to the General Manager the results of the review of the application.

Section 8. Approval/Disapproval of Application. The General Manager shall **within three (3) working days** approve/disapprove the application.

Section 9. Release of Results of the Application. CSD shall **within one (1) working day** from receipt of the approval from the GM transmit thru Records Section the letter approval/denial and/or approved ZSPI Plan, copy furnished the PMO concerned.

ARTICLE III – AMENDMENT OF APPROVED ZSPI PLAN

Section 10. Amendment of ZSPI. Any amendment of an approved ZSPI Plan of private port shall comply with all of the following requirements:

PARTICULAR	Requirements
ZSPI Plan	1. Duly filled-out application form and Notarized Omnibus Undertaking
	2. Original Secretary's Certificate designating the authorized representative to transact business with the Authority
	3. Revised Hydro-topographic survey, if any
	4. Revised ZSPI Plan considering the design parameters stipulated in Section 2 of this Annex

Section 11. Approval of Revised ZSPI. The approval of the revised ZSPI shall follow the same procedure stipulated in Article II of this Annex.