



Republika ng Pilipinas  
**PANGASIWAAN NG DAUNGAN NG PILIPINAS**  
(PHILIPPINE PORTS AUTHORITY)  
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09 December 1985

*BMC*

PPA MEMORANDUM CIRCULAR  
NO. 46-85

TO : ALL PORT MANAGERS, PILOTS' ASSOCIATIONS,  
SHIPPING COMPANIES, AND ALL OTHERS CONCERNED

SUBJECT : Implementing Guidelines and Clarification  
of Certain Provisions of PPA Administrative  
Order No. 03-85, Entitled "Rules and Regu-  
lations Governing Pilotage Services, the  
Conduct of Pilots and Pilotage Fees in  
Philippine Ports"

For the more proper implementation of, and compliance with,  
the provisions of PPA Administrative Order No. 03-85, here-  
inafter referred to as the "Order", the following implemen-  
ting/clarificatory guidelines are hereby issued:

1. Supervision of Harbor Pilots

Under Section 4 of the Order, the harbor pilots and/  
or the Pilots' Associations shall be under the direct  
supervision and control of the Authority through the  
Port Manager concerned, in the efficient and orderly  
administration of the harbor and/or the Pilotage  
Districts. Accordingly, the schedules of duty of  
pilots as approved by the Chief Pilot and the Port  
Manager shall be followed as provided in Section 32(a)  
of the Order.

2. Ports Included in Pilotage Districts

The jurisdictional/operational areas of pilotage dis-  
tricts throughout the country which are defined by  
latitude and longitude under Section 6 of the Order  
shall include ports already established or which may  
hereinafter be established upon its effectivity (May  
21, 1985 following its publication in the Official  
Gazette on 06 May 1985), within or proximate to a  
pilotage district.

3. Filling of Vacancy in Harbor Pilot Position

The number of Harbor Pilots provided in Section 7 of  
the Order refers to the minimum of at least three (3)  
pilots and not more than the maximum stated therein  
for each pilotage district which are normally required

to perform the service. The General Manager of PPA may increase/decrease the numbers based on the need of the pilotage service.

Where a vacancy in Harbor Pilot position exists in any pilotage district, the necessity to fill it shall be determined by the number of vessel calls in the port needing the service, by the Port Manager in coordination with the Chief Pilot of the Pilotage Association concerned.

4. New Pilotage Districts and Rates of Service

To the original 22 districts, the new Pilotage districts of Puerto Princesa in Palawan and Polloc in Parang, Maguindanao, are added by Section 7 of the Order.

Pending promulgation of pilotage fees for services rendered to vessels that call at the Puerto Princesa and Polloc Pilotage Districts, the rates applicable shall be those now established and being applied at the Batangas and General Santos Pilotage Districts, respectively, as stated by Section 37 of the Order.

5. Element of Risk Considered in Pilotage Fees

Risk or hazard is inherent in pilotage service; hence it is compulsorily required in areas identified under the Order and even not so in other areas but being opted by Masters of vessels for the more safe maneuvering thereof by harbor pilots who know the local conditions better. Accordingly, rates for pilotage service generally take already into account the element of risk thus involved. Exceptionally, however, additional remuneration, aside from the regular pilotage rate, as agreed by the parties concerned, shall be paid to the harbor pilot in steering vessels without tugs as clarified in paragraph 9 hereof.

6. Pilotage at Private ports

The exemption of vessels calling at private ports as provided in Section 9(f) of the Order when the owners thereof formally waive the requirement of pilotage in so far as protection to their private facilities is concerned shall be without prejudice to the following situations:

- a) When Masters, owners or agents of vessels deem it necessary for the safety of their vessels and their cargoes; and
- b) When PPA, through the Port Manager concerned, deems that pilotage service is needed to ensure that no accident will occur.

COAST PILOTAGE

7. Outside or between pilotage districts where pilotage service is optional under Section 10 of the Order, but the vessels calling thereat need pilots, the service shall be provided generally by the Coast Pilot appointed in the area by the Authority. In his absence, the Port Manager of the Pilotage District to which the area of call is more proximate, can designate any harbor pilot available in the latter district to render the service. The vessel masters concerned shall, to prevent delay, advise the Port Manager/Pilots' Association twenty-four (24) hours before the service is needed. The rates shall be as agreed upon by the parties and approved by the Port Manager before the service is rendered.

8. Command of Vessels and Liabilities

The Master of the vessel, in representation of its owner, shall retain even on pilotage grounds the overall command of the vessel under Section 11 of the Order. He can countermand or overrule the order or command of the Harbor Pilot on Board. In such event, any damage caused to a vessel or to life or property at the port by reason of the fault or negligence of the Master shall be the responsibility and liability of the registered owner of the vessel without prejudice to recourse against said Master. The Harbor Pilot providing the service to the vessel shall be responsible for the damage caused to vessel or to life or property only due to his fault or negligence.

9. Tug Assistance

Where tug assistance to vessel calling at the Port is required in view of the presence of any of the conditions (e.g. strong current of 4 knots or more, wind factor at 30-50 KPH) specified under Section 12 of the Order or even under normal conditions, but the Master of the vessel prefers to avail of tug assistance in the maneuvering of the vessel at port and there is no tug immediately available, pilot boats with a capacity, single or combined, of at least 300 BHP can be utilized, especially for coastwise vessels. The rates chargeable for tug assistance shall be those agreed upon between the shipping company and the tug/watercraft owner/operator. In case of disagreement, the Authority shall determine the rates.

In addition to the regular pilotage fee for docking/undocking of vessels under normal conditions, the Harbor Pilot shall also be entitled to an additional remuneration to be agreed by him and the Master of the vessel, in the docking/undocking of vessel at port where



tug assistance is determined to be compulsory because of the presence of any of the conditions in Section 12(c) of the Order but there is no tug available in the area.

10. Designation of Harbor Pilot Boarding Station

The Port Manager of a Port Management Unit (PMU) under which jurisdiction a Pilotage District falls, shall designate within fifteen (15) days from receipt of this Circular, the Pilot Boarding Station for said District at a safe and convenient place, in consultation with the Harbor Pilots' Associations and Shipping Companies concerned, pursuant to Section 13 of the Order. The Harbor Pilot on duty for a particular vessel shall board it at that designated Pilot Station.

11. Subsistence Allowance

Harbor Pilot is entitled to a subsistence allowance of \$100.00 if he is kept on board vessel for six (6) hours or less, beyond the hours he is required to render pilotage service, or \$200.00 for that whole day if the time exceeds six (6) hours, as contemplated under Section 16(b) of the Order.

12. Overtime

When pilotage service is rendered on regular days between 1800H and 0600H and on Sundays and Holidays on daytime between 0600H and 1800H, the Harbor Pilot is entitled to an additional charge of one hundred (100%) percentum over the regular pilotage fees on vessels engaged in foreign trade and fifty (50%) on vessels engaged in coastwise trade. In case the service is rendered during nighttime between 1800H and 0600H on Sundays and Holidays, a further additional charge of fifty (50%) percentum of the regular rate shall also be paid instead of the one hundred (100%) percentum as had happened in some previous instances.

In the re-structuring of pilotage rates, however, payment for overtime on Sundays/Holidays shall be further rationalized to lessen its burden.

13. Billing System on Pilotage Fees

Payment of pilotage fees for services rendered shall be made upon billing in line with the provision of Section 16(f) of the Order, and not on a cash-and-carry basis; unless the master of the vessel, its owner or shipping agent shall prefer the latter system of payment.



14. Protests Against Pilotage Fees

All protests against pilotage fees as provided in Section 16(f) of the Order shall be filed with, and decided by, the Port Manager within two (2) weeks from the filing thereof and appeal from said decision by the shipping company adversely affected shall be made to PPA Head Office within fifteen (15) days from receipt of the decision and after payment is made.

15. When Government Share Shall be Imposed

Payment of government share by Pilots' Association out of the gross income realized or receivable from the rendition of purely pilotage service shall be effected as envisioned in Section 23 of the Order once the pilotage rates are rationalized or re-structured.

16. Resolution of Queries

Queries regarding pilotage matters shall be handled and resolved by the Port Management Units (PMUs) concerned or by the Port Operations and Enforcement Dept. (POED), Head Office, wherever it is filed, and in accordance with the provisions of PPA AO No. 03-85 and other applicable PPA regulations. In case the PMUs cannot resolve the matter for lack of definite policy/regulations, the same, together with the necessary document relating to the facts and his comments, shall be forwarded to PPA Head Office for resolution.


17. Age Limitation on Appointment

The sixty (60) years of age limitation imposed on any applicant to any vacant Harbor Pilot position refers to the date when the vacancy actually exists. Hence, as long as he does not exceed 60 years when that vacancy occurs, he is still qualified and can be considered for evaluation together with other qualified applicants provided they meet the other requirements.

18. Other Provisions for Compliance

Compliance, among others, of the provisions of Section 13 (Pilotage Equipment and Facilities); Section 14 (Availability of Harbor Pilots for Duty); Section 17 (Organization of Pilotage Associations); Section 18 (Keeping of Records by Pilots' Association); Section 20 (Submission of Medical Report of Pilots); Section 24 (Requirement on Working Capital of Pilots' Association) and Section 25 (Posting of Indemnity Insurance and Reserve Fund) all of PPA AONo. 03-85, shall be strictly enforced and monitored by the respective Port Management Units (PMU) of PPA. Report of such compliance shall be submitted by the PMUs to PPA Head Office within one (1) month after receipt of this Circular.

Be guided accordingly.

  
MAXIMO S. DURLAO, JR.  
Officer-in-Charge, PPA