

**[ REPUBLIC ACT NO. 7621, June 26, 1992 ]**

**AN ACT CREATING THE CEBU PORT AUTHORITY, DEFINING ITS  
POWERS AND FUNCTIONS, PROVIDING APPROPRIATION  
THEREFOR, AND FOR OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Short Title.* – This Act shall be known and cited as the "Charter of the Cebu Port Authority."

SEC 2. *Declaration of Policy.* – It is the declared policy of the State to promote the establishment and growth of autonomous regional port bodies to produce an efficient, safe, economical and coordinated system of movement of goods and persons through the port, consistent with the constitutional mandate to give all regions of the country optimum opportunity to develop.

SEC. 3. *Creation of the Port Authority.* – There is hereby created a public-benefit corporation to be known as the Cebu Port Authority, hereinafter referred to as the Authority.

The Authority shall be under the supervision of the Department of Transportation and Communications for purposes of policy coordination.

SEC. 4. *Definition of Terms.* – For purposes of this Act, unless the context indicates otherwise, the terms used herein shall mean as follows:

- a. "Port facility" shall include wharves, piers, slips, docks, bulkheads, basins, warehouses, cold storage, loading and unloading equipment, and passenger terminals and accessories;
- b. "Transportation facility" includes passenger and cargo boats, ferry boats, lighters, tugs, barges, scows, harbor craft of any kind, and any other kind of facility now in use or hereafter designated for use of the transportation or carriage of persons or goods;
- c. "Navigable waters" means all navigable portions of the seas, estuaries and inland waterways;
- d. "Wharf" means a continuous structure built parallel to or along the margin of the sea or alongside riverbanks, canals or other waterways where vessels may lie alongside to receive and discharge cargo or passenger, or lie at rest;
- e. "Pier" includes any stage, stair, landing stage, jetty, floating barge or pontoon, and any bridge or other works connected therewith;
- f. "Dock" includes locks, cuts, entrances, graving docks, inclined planes, slipways, quays and other works relative thereto;
- g. "Bulkhead" means any structure serving to divide land and water areas;

- h. "Basin" means any naturally or artificially enclosed or nearly enclosed body of water in free communication with the sea;
- i. "Warehouse" means any building for storage or shed for cargo;
- j. "Lighter" means any large flat-bottomed boat or barge used in transporting goods, or in loading or unloading of vessels not lying alongside piers or wharves;
- k. "Anchorage" means any place with sufficient depth of water where vessels anchor or may ride at anchor within the harbor;
- l. "Goods" includes wares and merchandise of every description;
- m. "Rates" includes tolls, fees, dues and rent imposed by the Authority;
- n. "Vehicle" includes any carriage traveling on its own wheels or runners and used or intended to be used for the conveyance or carrying of persons, animals or goods; and
- o. "Vessels" includes any ship, boat or any waterborne craft used in the conveyance or carrying of persons, animals or goods.

SEC 5. *Purposes and Objectives.* – The Authority shall have the following purposes and objectives:

- a. To integrate and coordinate the planning, development, construction and operations of ports and port facilities within its territorial jurisdiction, consistent with the needs and requirements of the region;
- b. To enhance the flow of international and domestic commerce passing through or utilizing the regional ports; and
- c. To promote regional development by providing support services to sustain the growth of export and other priority industries in the region.

SEC. 6. *Territorial Jurisdiction.* – The territorial jurisdiction of the Authority shall include all seas, lakes, rivers and all other navigable inland waterways within the Province of Cebu, including waterways within the Province of Cebu, including the City of Cebu and all other highly urbanized cities which may hereafter be created therein.

SEC. 7. *Powers.* – The Authority shall have the power and responsibility to:

- a. Have perpetual succession under its corporate name until otherwise provided by law;
- b. Prescribe its bylaws and such rules and regulations as may be found necessary to promote or enhance the business of the Authority;
- c. Adopt and use a seal;
- d. Sue and be sued in any court;
- e. Enter into contracts, transactions, and undertakings of whatever nature, which are necessary or incidental to its functions and objectives, with any natural or juridical persons or with any government institutions, domestic or foreign;
- f. Acquire, own, hire, use, operate and dispose of personal property and to acquire, own, use, lease, operate and dispose of real property and interests thereon and to make improvements on such real property, including the reclamation, for port purposes, of foreshore and submerged lands within its territorial jurisdiction; which reclaimed land shall *ipso facto* be deemed transferred in ownership to the Authority; and to enter into contracts with any public or private entity for such reclamation under such terms and conditions as it may deem to be for the public interest;

- g. Purchase, hold alienate, mortgage, pledge or otherwise dispose of the shares of the capital stock of, or any bond, security or other evidences of indebtedness created by any other corporation or co-partnership of this or any other country, and while the owner of said stock, to exercise all the rights of ownership, including the right to vote thereon;
- h. Exercise the right of eminent domain;
- i. Exercise all other powers not contrary to law which may be necessary or incidental to the effectuation of its authorized purposes or to the exercise of any of the foregoing powers, except the power to levy taxes or assessments and, in general to exercise in connection with property within its control all powers which may be exercised by a natural or juridical person over its property and affairs;
- j. Levy dues and impose rates and charges for the use of the premises, works, appliances, facilities, or for services provided by or belonging to the Authority, or any other organization concerned with port operations;
- k. Make expenditures in foreign countries to pay commissions and hire or contract experts and consultants, both foreign and local;
- l. Make expenditures for promotion of the business affairs of the Authority, and
- m. Exercise all the powers of a corporation under the Corporation Law insofar as they are not inconsistent with the provisions of this Act.

SEC. 8. *Governing Body.* – The powers and functions of the Authority shall be vested in and exercised by a Cebu Port Commission composed of a Chairman, a Vice-Chairman and five (5) other Commissioners. The Chairman shall be the Secretary of the Department of Transportation and Communications or his duly designated undersecretary. The Vice-Chairman, who shall be designated as the Cebu Port General Manager, shall be elected by the Commissioners from among themselves.

The Commissioners shall be appointed by the President of the Philippines and shall represent the following sectors:

- a. Shipowners and shipping operators;
- b. Cargo-handling labor sector; and
- c. Business sector.

SEC. 9. *Powers and Functions of the Commission.* – The powers and functions of the Cebu Port Commission shall be as follows:

- a. To manage, administer, operate, maintain, improve and develop, coordinate and otherwise govern the activities of all the ports within its territorial jurisdiction;
- b. To investigate, prepare, adopt, implement and execute a comprehensive and orderly plan for the overall development of all ports within its territorial jurisdiction, and to update such plans, as may be warranted from time to time;
- c. To raise revenues for the Authority through fees, tolls, charges, rentals and the like for the use of any property, equipment or facility owned or controlled by it;
- d. To raise and administer, together with such revenues as may by law accrue to the Authority, capital outlays by means of loans from any local or foreign financial institution to finance its projects;
- e. To determine by survey and establish by engineering design the exact location, system and character of any and all port facilities which it may own, construct, establish, effectuate, operate or control;