

[CPA ADMINISTRATIVE ORDER NO. 02-2006, July 07, 2006]

AMENDMENT TO SECTION 5.01 AND 5.02 (ARTICLE V) OF A.O. 03-98 (POLICY GUIDELINES AND GENERAL CONDITIONS FOR THE MANAGEMENT AND OPERATION OF CARGO HANDLING SERVICES)

For the purpose of affording a prompt, fair, and reasonable settlement for lost or damaged cargoes, this Administrative Order amending in part Sections 5.01 and 5.02 (Article V) of CPA Administrative Order No. 03-98 is hereby promulgated as follows:

**Article V
Claims and Liability for Losses and Damages**

Section 5.01. Responsibility and Liability for Losses and Damages; Exceptions -The CHSP shall at its own expense handle all merchandise in all work undertaken by it diligently and in a skillful, workman-like and efficient manner.

The CHSP shall be solely responsible as an independent contractor/operator and shall promptly pay to the shipping company, consignees, consignors or other interested party or parties for the loss, damage, or non-delivery of cargoes to the extent of the actual invoice or declared value per bill of lading, whichever is lower, for each package unless the value of the cargo importation is otherwise specified or manifested or communicated in writing and supported by a certified packing list to the CHSP by the interested party or parties before the discharge or loading from/onto, the vessel of the goods.

For the payment of any of the above claims for loss or damage however, a formal claim together with the necessary copies of Bill of Lading, Invoices, Certified Packing List and computation arrived at covering the loss, injury or damage or non-delivery of such goods shall be filed with the CHSP within fifteen (15) days from the date of issuance by the CHSP of a certificate of nondelivery, loss or damage. If the CHSP however fails to issue such certification within fifteen (15) days from the receipt of a written request by the shipper/ consignee or his duly authorized representative or any interested party, said certification shall be deemed to have been issued, and thereafter, the fifteen (15) day period within which to file the claim commences. The request for certification for non-delivery, loss or damage should be made within thirty (30) days from the date of delivery of the last package to the consignee. Failure to comply with herein conditions precedent shall bar any action for the recovery of loss or damage against the CHSP.

The CHSP however shall not be responsible for the condition of the