

**[PPA ADMINISTRATIVE ORDER NO. 03-2011,
June 13, 2011]**

**AMENDMENTS TO SECTIONS 1 AND 2 OF PPA MEMORANDUM
CIRCULAR NO. 30-86 ENTITLED "GUIDELINES FOR THE PROPER
IMPLEMENTATION OF EXTENSION OF FREE STORAGE PERIOD
UNDER PARAGRAPH 16 OF PPA MC NO. 14-83**

1. AUTHORITY

- 1.1 Board Com Resolution No. 2011-1282
- 1.2 PPA Board Resolution No. 2253

2. RATIONALE

To protect the interest of public health and decongest the ports of overstaying cargoes declared by the Bureau of Customs (BOC) as abandoned and/or forfeited in favor of the government and disposed thru condemnation proceedings.

3. AMENDMENT

Sections 1 and 2 of PPA Memorandum Circular No. 30-86 is amended by adding **Item E under Section 1 and Item F under Section 2:**

Section 1: Grounds for the Extension of Free Storage Period (EFSP). of the prescribed Free Storage Period (FSP) may be granted only under the following specific instances, to wit;

A. When the delivery of cargoes or its loading to the carrying vessel cannot be effected within the FSP due to congestion in the pier/fport, breakdown or non-availability of cargo handling equipment, strike, lock-out or civil strife, typhoon, flood, earthquake, fire or other similar occurrences/calamities, any of which causes prevented cargo handling operations. Provided, however, that the following conditions/requirements are not met or duly complied with:

- 1. A written request for EFSP specifying the reasons(s) thereof must be filed with the PMO concerned together with the following documents:

- a. Certified true copy of the Customs entry, exit or covering documents filed and completely processes

within the FSP.

b. Certified true copies of the Delivery Permit or Special Permit to Transfer (SPT) or Authority/Permit to Load, and receipts evidencing payment of Customs duties, taxes, port charges, and other fees due the government or exemption papers if free therefrom; and

c. In the case of breakdown or non-availability of equipment, Certification from the cargo handling operator or its shed/warehouse/pier/CY Superintendent/ Manager, in charge of the cargoes, involved that the reason mentioned in the request for EFSP indeed prevented cargo handling operations in the pier/ port where the cargoes are located which Certification shall be duly validated by the Terminal Operations Officer and/or Asst. Port Manager/Port Manager concerned; Provided, however, that the accrued storage charges shall be for the account of the cargo handling contractor.

2. The cargoes are already cleared for delivery/loading within the FSP.

3. The Delivery Permit or Special Permit to Transfer or Warehousing Permit or Authority/Permit to Load was presented within the FSP and the exporter/importer/ consignee/owner/broker, who demanded delivery or loading, has sufficient means of transportation, but the delivery/loading thereof cannot be effected due to the reason(s) or causes(s), mentioned in the request under Section 1.A (1).

B. When the entry, exit or covering documents of the cargoes involved have not been completely processed by the BOC within the FSP due to any of the applicable causes mentioned in Section 1.A hereof. Provided, however, that the following conditions/ requirements are all met or duly complied with:

1. A written request for EFSP specifying the reason(s) thereof must be filed with the PMO concerned together with the following documents:

a. Certified true copy of the Customs entry, exit or covering documents duly filed within the FSP; and

b. Certification from the Collector of Customs as to the occurrence of the applicable causes/reasons mentioned in the request and its actual duration which prevented the complete processing by Customs of the entry, exit or covering documents

of the cargoes involved; provided further, that the reasons are not attributable to the owner/import/exporter/consignee or their broker.

2. The entry, exit or covering documents thus filed with Customs within the FSP are complete and conform with all the requirements.

C. When the delivery of the cargoes or its loading to the carrying vessel cannot be effected due to Hold Order/Seizure Order/Suspension Order issued by the BOC or any authorized government agency. Provided, however, that the following conditions/ requirements are all met or duly complied with:

1. A written request specifying the reasons(s) thereof must be filed with the PMO concerned together with the following documents:

- a. Certified true copy of the Hold Order/Seizure Order/Suspension Order; and
- b. Certified true copy of the Customs entry, exit or covering documents duly filed within the FSP, unless the filing of the same was legally prevented by the said orders, in which case a Certification to that effect must be secured from the Collector of Customs and attached to the request.

2. The reason(s) or cause(s) which gave rise to the Hold Order/Seizure Order/Suspension Order is not attributable to the fault of the owner/importer/ exporter/consignee or their broker.

In this regard, non-accrual of storage charges shall cover only the period of actual Suspension of delivery starting from the date of issuance of the order and including two (2) days for the Port of Manila; three (3) days for other ports immediately following the date of Notice of Release to the importer/exporter/consignee/shipper or their Broker. The period does not cover the time between the expiration of the FSP and the time when the Order of Suspension of delivery was issued during which storage charges shall accrue.

D. When the delivery of cargoes or its loading to the carrying vessels cannot be effected within the FSP due to health and safety regulations whereby the same are subjected to some treatment commencing within the FSP to ensure its safe consumption or use. PROVIDED, however, that the following conditions/requirements are all met or duly complied with:

1. A written request for EFSP specifying the reason(s) thereof must be filed with the PMO concerned together with the following documents:

- a. Certified true copy of the entry, exit or covering documents duly filed and completely processed within the FSP;
- b. Certified true copies of the Delivery Permit or Permit to Transfer or Authority/Permit to Load, and receipts evidencing payment of Customs duties, taxes, port charges and other fees due the government or exemption papers if free therefrom; and
- c. Certification from the Health/Safety Officer concerned that the cargoes have been subjected to physical treatment and the actual duration thereof.

2. The owner/importer/exporter/consignee or their broker has not incurred any delay in complying with the said health and safety regulations.

3. The compliance with the aforesaid health and safety regulations was not a requirement for the filing of the Customs entry, exit or covering documents of the cargoes involved.

In this regard non-accrual of storage charges shall cover only the period during which such regulation was required to be complied with (starting from the date of subjection of the shipments to health/allied regulations up to the time when said requirement was actually complied with). The period of non-accrual does not cover the time between the expiration of the FSP and the date when compliance with said regulation started during which storage charges shall accrue.

E. When the delivery of the cargoes cannot be effected due to its declaration as abandoned and/or forfeited cargoes and its disposition thru condemnation proceedings has been approved by the BOC. PROVIDED, however, that the following conditions/requirements are all met or duly complied with:

1. A written letter by the terminal/cargo handling operator (upon the request of BOC) for EFSP specifying the reason(s) thereof must be filed with the PMO concerned together with the following documents:

- a. Certified True Copy of Container/Cargo Details on Condemned Containers/Cargoes, with information such as: container numbers,***