



## HOUSE OF REPRESENTATIVES

H. No. 4120

---

BY REPRESENTATIVES PUENTEVELLA, ALVAREZ (A.), CUA (J.), ARENAS, EMANO, NICOLAS, PANCRUDO, PICHAY, SANDOVAL, TIENG, DUAVIT, LOCSIN, MAGSAYSAY, GATLABAYAN, ROMUALDO, LIMKAICHONG, ROXAS, ANGPING, ONG, BIRON, ROMAN, SALVACION, DANGWA, DUMARPA, UY (R.S.), MANGUDADATU, VARGAS, GARAY, CHONG, DEL ROSARIO, SILVERIO, CODILLA, CARI, DAZA, GONZALES (A.), MITRA, ARROYO (I.), GATCHALIAN, SANTIAGO (J.), BONOAN-DAVID, DURANO, DIASNES, SAN LUIS, HOFER, NAVA, CHATTO, BRAVO, ROMARATE, MANDANAS, ESTRELLA (R.), CAJAYON, CASIÑO, VILLANUEVA, FERNANDEZ, CHIPECO, HONTIVEROS-BARAQUEL AND NOEL, PER COMMITTEE REPORT NO. 532

---

AN ACT DEFINING THE LIABILITY OF SHIP AGENTS IN THE TRAMP SERVICE, AMENDING FOR THIS PURPOSE ARTICLE 586 OF THE CODE OF COMMERCE AND FOR OTHER PURPOSES

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

1           SECTION 1. Article 586 of the Code of Commerce is hereby amended to  
2 read as follows:

3                   “ARTICLE 586. The shipowner and the ship agent shall  
4 be civilly liable for the acts of the captain and for the obligations  
5 contracted by the latter to repair, equip, and provision the vessel,  
6 provided the creditor proves that the amount claimed was  
7 invested for the benefit of the same.

1           “By ship agent is understood the person entrusted with  
2 provisioning or representing the vessel in the port in which it  
3 may be found. SHIP AGENT MAY ALSO MEAN A TRAMP AGENT  
4 APPOINTED BY THE SHIPOWNER, CHARTERER OR CARRIER IN A  
5 TRAMP SERVICE FOR ONE PARTICULAR VOYAGE WHOSE  
6 AUTHORITY IS LIMITED TO THE CUSTOMARY AND USUAL  
7 PROCEDURES AND FORMALITIES REQUIRED FOR THE  
8 FACILITATION OF THE VESSEL'S ENTRY, STAY AND DEPARTURE  
9 IN THE PORT.

10           “TRAMP SERVICE IS THE OPERATION OF A CARRIER  
11 WHICH HAS NO REGULAR AND FIXED ROUTES BUT ACCEPTS  
12 CARGO AT ANY TIME AS AGREED UPON BETWEEN THE  
13 SHIPOWNER AND THE SHIPPERS AND IS HIRED ON A  
14 CONTRACTUAL OR CHARTERED BASIS UNDER MUTUALLY  
15 AGREED TERMS, AND USUALLY CARRIES BULK OR BREAK BULK  
16 CARGOES.

17           “THE LIABILITY OF THE SHIP AGENT OR A TRAMP  
18 AGENT IN A TRAMP SERVICE SHALL NOT EXTEND TO THE  
19 OBLIGATIONS ASSUMED BY THE SHIPOWNER, CHARTERER OR  
20 CARRIER WITH THE SHIPPER OR RECEIVER OF THE GOODS  
21 CARRIED BY THE SHIP: *PROVIDED*, THAT IT IS THE DUTY OF  
22 THE TRAMP AGENT TO ASSIST THE SHIPPER OR RECEIVER IN  
23 MAKING CARGO LIABILITY CLAIMS AGAINST THE SHIPOWNER,  
24 CHARTERER OR CARRIER: *PROVIDED, FURTHER*, THAT  
25 FAILURE OR INACTION TO ASSIST THE SHIPPER OR RECEIVER  
26 SHALL SUBJECT THE TRAMP AGENT TO APPLICABLE  
27 ADMINISTRATIVE SANCTIONS IMPOSED BY APPROPRIATE  
28 GOVERNMENT AGENCIES.”

1           SEC. 2. All laws, presidential decrees, executive orders, rules and  
2 regulations or parts thereof contrary to or inconsistent with the provisions of  
3 this Act is hereby repealed, modified or amended accordingly.

4           SEC. 3. This Act shall take effect fifteen (15) days after its publication  
5 in at least two (2) national newspapers of general circulation.

Approved,

**O**