


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

8 AUG 14 2008

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 92

Submitted by the Committee on Public Services on AUG 14 2008

RE : S. B. No. 2078 taking into consideration S. B. No. 2518 and H. B. No. 4120.

Recommending the approval of S. B. No. 2078 without amendment.

Sponsor : Senator Enrile

MR. PRESIDENT:

The Senate Committee on Public Services to which was referred S. B. No. 2078, introduced by Senator Enrile, *entitled:*

**"AN ACT
DEFINING THE LIABILITY OF SHIP AGENTS IN THE TRAMP
SERVICE AND FOR OTHER PURPOSES."**

S. B. No.2518, introduced by Senator Villar, *entitled:*

**"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." and**

H. B. No.4120, introduced by Representatives Puentevella, Alvarez, Cua, et. al., *entitled:*


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

has considered the same and has the honor to report them back to the Senate with the recommendation that the **S. B. No. 2078** be approved without amendments taking into consideration S. No. 2518 and H. B. No. 4120 with Senators Enrile and Villar as authors thereof.

Respectfully submitted:



JUAN PONCE ENRILE
Chairman
Committee on Public Services

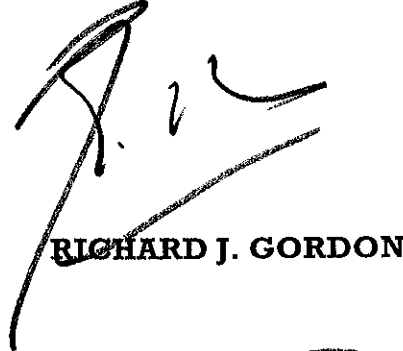


JOKER P. ARROYO
Vice-Chairman
Committee on Public Services

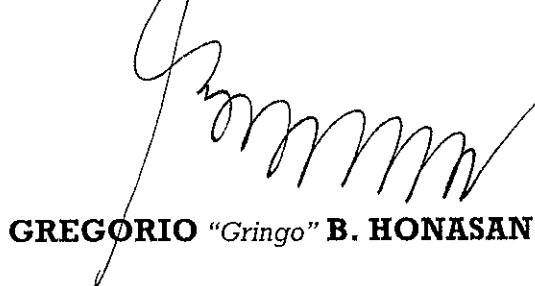
MEMBERS:



EDGARDO J. ANGARA



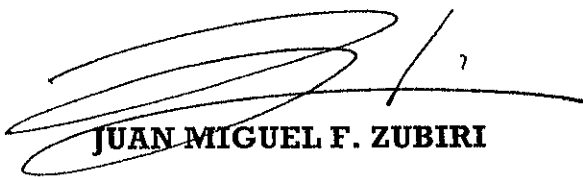
RICHARD J. GORDON



GREGORIO "Gringo" B. HONASAN



MANUEL "Lito" M. LAPID



JUAN MIGUEL F. ZUBIRI



RODOLFO G. BIAZON

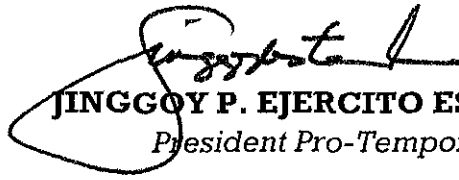
PANFILO "Ping" M. LACSON




M. A. MADRIGAL

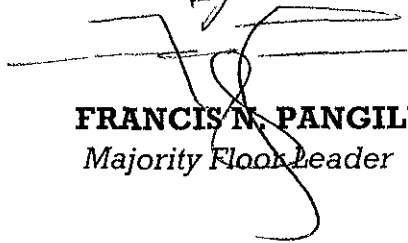
ANTONIO "Sonny" F. TRILLANES

EX- OFFICIO MEMBERS:


JINGGOY P. EJERCITO ESTRADA
President Pro-Tempore

May amend:


AQUILINO Q. PIMENTEL, JR.
Minority Floor Leader


May amend


FRANCIS N. PANGILINAN
Majority Floor Leader

MANNY VILLAR
Senate President
Pasay City

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FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY: 

SENATE

S. B. No. 2078

Introduced by Senator **JUAN PONCE ENRILE**

**AN ACT
DEFINING THE LIABILITY OF SHIP AGENTS IN THE TRAMP SERVICE AND FOR
OTHER PURPOSES**

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

- 1 SECTION 1. *Definition of terms.* - As used in this Act:
- 2
- 3 (a) "Ship Agent" shall mean the person entrusted with the provisioning or
- 4 representing the vessel in the port in which it may be found;
- 5 (b) "General Agent" shall mean a ship agent appointed by the ship owner or
- 6 carrier in the liner service for all voyages and covered by a General Agency
- 7 Agreement whereby the agent assumes the role and responsibility of its
- 8 principal within the Philippine territory including but not limited to
- 9 solicitation of cargo and freight, payment of discharging or loading expenses,
- 10 collection of shipping charges and issuing/releasing bills of lading and cargo
- 11 manifest;
- 12 (c) "Tramp Agent" shall mean a ship agent appointed by the ship owner, charterer
- 13 or carrier in the tramp service for one particular voyage whose authority is
- 14 limited to the customary and usual procedures and formalities required for the
- 15 facilitation of the vessel's entry, stay and departure in the port and does not
- 16 include the assumption of the ship owner's, charterer's, or carrier's
- 17 obligations with the shipper or receiver for the goods carried by the ship;

1 (d) "Tramp Service" shall mean the operation of a contract carrier which has no
2 regular and fixed routes and schedules but accepts cargo wherever and
3 whenever the shipper desires, is hired on a contractual basis, or chartered by
4 any one or few shippers under mutually agreed terms and usually carries bulk
5 or break bulk cargoes; and

6 (e) "Liner Service" shall mean the operation of a common carrier which publicly
7 offers its services without discrimination to any user, has regular ports of
8 call/destination, fixed sailing schedules and frequencies and published freight
9 rates and attendant charges and usually carries multiple consignments.

10 SECTION 2. *Liability of the ship agent, general agent and tramp agent.* -- The
11 responsibility or liability, if any, of the ship agent, general agent and tramp agent shall continue
12 to be governed by the pertinent provisions of the Code of Commerce: *Provided*, that in the case
13 of the tramp agent, his liability shall not extend to the obligations assumed by the ship owner,
14 charterer or carrier with the shipper or receiver for the goods carried by the ship: *Provided*,
15 *further*, That it is the duty of the tramp agent, however, to assist the shipper or receiver in
16 making cargo liability claims against the ship owner, charterer or carrier: *Provided, finally*, That
17 failure or inaction to perform the aforesaid duty shall subject the tramp agent to applicable
18 administrative sanctions based on the Implementing Rules and Regulations (IRR) to be
19 formulated thereon by the Maritime Industry Authority (MARINA) under the Department of
20 Transportation and Communication (DOTC) and by the Philippine Shippers Bureau (PSB) under
21 the Department of Trade and Industry (DTI).

22 SECTION 3. *Repealing Clause.* -- All applicable laws, decrees, executive orders, rules
23 and regulations which are inconsistent with this Act are hereby amended or modified
24 accordingly.

25 SECTION 4. *Effectivity.* -- This Act shall take effect fifteen (15) days following the
26 completion of its publication in two (2) national newspaper of general circulation.

27

28 *Approved,*