


S E N A T E  
S.B. No. 1379

REGISTERED 

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Introduced by Senator Loren Legarda

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EXPLANATORY NOTE

Being an archipelagic country, the importance of ports in the Philippines cannot be undermined. Ports are instrumental in facilitating long-distance market transactions and inter-island connectivity, especially the main islands of Luzon, Visayas and Mindanao.

The Philippine Ports Authority (PPA) was created by Presidential Decree (PD) No. 857, otherwise known and cited as "*Revised Charter of the Philippine Ports Authority*," to facilitate the implementation of an integrated program for planning, development, financing, operation and maintenance of ports for the entire country. Apart from owning and operating public ports, the Philippine Port Authority was mandated to regulate private ports.

Despite the guidelines set by PD No. 857, the performance of PPA as a supervisory body of all the ports in the country is below par as manifested by insufficient and unresponsive port facilities, inefficient service delivery and declining revenues.

This bill proposes to strengthen the PPA by emphasizing its mandate as the National Port Planning Body as well as endowing the same with additional powers that will beef up its capacity to develop the ports system. It likewise proposes to ensure a more systematic management of the ports system in the Philippines through the formulation and implementation of a National Ports Development Plan, which shall be responsive to the needs of regional trade and economic development, compatible with the national intermodal and multi-modal transport network.

This proposed measure, being cognizant of the issues pertaining to the Philippine Ports Authority, seeks to amend certain provisions of PD 857 to facilitate:

- A competitive environment among port districts in the country;
- Efficiency in port services taking into account the physical composition and/or restriction of ports, vessels and cargo traffic;
- Expanded contribution of the private sector in the development, management and operations of the ports; and

- Port privatization excluding the sale or transfer or ownership of port assets or facilities.

In view of the foregoing considerations, approval of this bill is earnestly sought.



**LOREN LEGARDA**

**Senator**

10 JUL 13 AM 1:49

S E N A T E  
S.B. No. 1379

RECEIVED BY *[Signature]*

Introduced by Senator Loren Legarda

AN ACT  
STRENGTHENING AND STREAMLINING THE PHILIPPINE PORTS  
AUTHORITY, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO.  
857 AS AMENDED, OTHERWISE KNOWN AS THE REVISED CHARTER OF  
THE PHILIPPINE PORTS AUTHORITY

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

1 SECTION 1. Section 2 Presidential Decree No. 857 is hereby amended by  
2 adding Paragraphs (g) and (h) to read as follows:

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18  
19  
20  
21

"SECTION 2. *Declaration of Policies and Objectives.*

a) xxx

xxx xxx xxx

G.) TO FOSTER VIABLE COMPETITION AMONG PORTS AND  
ENSURE EFFICIENT PROVISION OF PORT SERVICES TAKING  
INTO CONSIDERATION THE PHYSICAL CONFIGURATION OR  
CONSTRAINT OF THE PORTS, VESSEL AND CARGO TRAFFIC  
SUCH OTHER RELEVANT FACTOR;

H.) TO ENCOURAGE PRIVATIZATION AND EXPAND THE  
PARTICIPATION OF THE PRIVATE SECTOR IN THE  
DEVELOPMENT, MANAGEMENT AND OPERATIONS OF THE  
PORTS THROUGH THE BUILD, OPERATE THE TRANSFER  
SCHEME OR ITS VARIANTS, JOINT VENTURES OR SUCH OTHER  
SCHEMES AUTHORIZED BY THIS ACT OR SUCH OTHER LAWS  
AND EXISTING POLICIES; PROVIDED, THAT PORT  
PRIVATIZATION SHALL NOT INCLUDE THE SALE OR TRANSFER  
OR OWNERSHIP OF PORT ASSETS OR FACILITIES."

1           **SECTION 2.** Section 3 of the same Decree is hereby amended by adding  
2 paragraphs v, w and x to read as follows:

3  
4           **SECTION 3. Definitions.- xxx**

5           a)     xxx

6                     xxx                     xxx                     xxx

7           **V) "PORT SYSTEM" INCLUDES GOVERNMENT PORTS, WHICH,**  
8           **AS DETERMINED BY THE AUTHORITY ON THE BASIS OF**  
9           **CARGO, VESSEL, AND PASSENGER TRAFFIC, STRATEGIC**  
10           **LOCATION AND DEVELOPMENT POTENTIALS, CAN PROVIDE**  
11           **EFFECTIVE AND ECONOMICAL TRANSPORT FOR GOODS**  
12           **AND PASSENGERS;**

13           **W) "SUBSIDIARY" REFERS TO A CORPORATION ORGANIZED**  
14           **BY THE AUTHORITY IN ACCORDANCE WITH THE**  
15           **CORPORATION CODE OF THE PHILIPPINES TO DEVELOP,**  
16           **MAINTAIN, MANAGE AND OPERATE PORTS AND PORT**  
17           **SERVICES AS A FINANCIALLY AUTONOMOUS ENTITY;**

18           **X) "JOINT VENURE" REFERS TO THE CORPORATION OR**  
19           **ENTITY ORGANIZED UNDER EXISTING LAWS, WITH THE**  
20           **AUTHORITY AS THE MINORITY STOCKHOLDER AND THE**  
21           **PRIVATE SECTOR AS THE MAJORITY STOCKHOLDER, WHICH**  
22           **SHALL DEVELOP, MAINTAIN, MANAGE AND OPERATE PORT**  
23           **OR PORT SERVICES AS COMMERCIAL ENTERPRISES."**

24  
25           **SECTION 3.** Section 4 of the same decree is hereby amended by inserting a  
26 new paragraph b redesignating paragraph (b) as paragraph (c) to read as follows:

27  
28           **SEC 4. Creation of Philippine Ports Authority. - xxx**

29           a) xxx

30           **B) THE AUTHORITY SHALL, IN ADDITION TO ITS POWERS**  
31           **AND JURISDICTION OVER THE DEVELOPMENT,**  
32           **MAINTENANCE, MANAGEMENT, AND OPERATIONS OF**  
33           **PORTS, SERVE AS THE NATIONAL PORT PLANNING BODY.**  
34           **EXCEPT FOR THE MILITARY, OTHER GOVERNMENT**  
35           **AGENCIES SUCH AS THE PHILIPPINE FISHERIES**  
36           **DEVELOPMENT AUTHORITY, DEPARTMENT OF**

1           TRANSPORTATION           AND           COMMUNICATIONS,  
2           DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, CEBU  
3           PORT AUTHORITY, LOCAL GOVERNMENT UNITS, AND  
4           OTHER INDUSTRIAL ESTATES OR SPECIAL ECONOMIC  
5           ZONES INVOLVED IN THE DEVELOPMENT OR  
6           CONSTRUCTION OF PORTS SHALL COORDINATE WITH  
7           THE AUTHORITY ON THEIR PORT PLANS AND  
8           PROGRAMS.”  
9

10           SECTION 4. Section 5 of the same Decree is hereby amended to read as  
11 follows:

12  
13           SEC 5. *Port [District] System* - [The authority may from time to time  
14 submit to the President, through the National Economic and  
15 Development Authority, application for the declaration of specific areas  
16 as Port Districts. Such applications shall be accompanied by a survey  
17 plan indicating the geographical location of the area or areas to be  
18 declared as Port Districts with their respective boundaries properly  
19 delineated.] **THE AUTHORITY SHALL ESTABLISH AND**  
20 **ADMINISTER A PORT SYSTEM COMPRISING OF VITAL PORTS**  
21 **SYSTEM COMPRISING OF VITAL PORTS CRITICAL FOR THE**  
22 **TRADE AND TRANSPORT NETWORK OF THE COUNTRY.**  
23

24           **THE NATIONAL PORT SYSTEM SHALL COMPRISE ALL**  
25 **PORTS IN THE COUNTRY, WHETHER OWNED BY THE**  
26 **GOVERNMENT OR UNDER PRIVATE OWNERSHIP AND**  
27 **WHETHER OPERATED COMMERCIALY OR FOR A SPECIAL**  
28 **PURPOSE. THE AUTHORITY SHALL HAVE JURISDICTION ON**  
29 **ALL PORTS INTENDED OR USED FOR COMMERCIAL PURPOSE**  
30 **OR THOSE BUILT PRIMARILY FOR RECEIVING VESSELS FOR**  
31 **THE PURPOSE OF LOADING OR DISCHARGING PASSENGERS**  
32 **AND CARGOES. PORTS DEVELOPED OR CONSTRUCTED BY**  
33 **OTHER AGENCIES OF THE GOVERNMENT SHALL FALL UNDER**  
34 **THE JURISDICTION OF THE AUTHORITY UPON THEIR FORMAL**  
35 **TURNOVER TO THE LATTER. A PRIVATE PORT THAT CATERS**  
36 **EXCLUSIVELY FOR THE TRANSPORT NEEDS OF ITS OWNER OR**

1 OPERATOR SHALL LIKEWISE FALL UNDER THE JURISDICTION  
2 OF THE AUTHORITY.

3  
4 SECTION 5. Sub-paragraphs (i), (vii) and (viii) of Section 6 (a) of the same  
5 Decree are hereby amended, a new sub-paragraph(ix) is added and sub-paragraphs  
6 (ix) and (x) are renumbered as sub-paragraphs (x) and (xi), respectively, to read as  
7 follows:

8  
9 "Sec. 6 Corporate Powers and Duties.

10 The Corporate powers of the Authority shall be:

11 (i) To formulate in coordination with the DOTC, National Economic  
12 Development Authority (NEDA) and DPWH, a comprehensive [and  
13 practicable] **NATIONAL PORTS DEVELOPMENT PLAN (NDPC)**  
14 [for the state and to program its implementation, renew and update  
15 the same annually in coordination with other national agencies]  
16 **RESPONSIVE TO THE NEEDS OF TRADE AND REGIONAL**  
17 **ECONOMIC DEVELOPMENT AND COMPATIBLE WITH THE**  
18 **NATIONAL INTERMODAL AND MULTIMODAL TRANSPORT**  
19 **NETWORK;**

20 xxx xxx xxx

21 **(vii) TO CONTROL OR ADMINISTER ANY FORESHORE RIGHTS**  
22 **OR LEASES, INCLUDING THE PORT FACILITIES AND**  
23 **IMPROVEMENTS THEREON WHICH ARE DELINEATED IN**  
24 **COORDINATION [coordinate] with the Bureau of Lands AND**  
25 **DECLARED BY THE PRESIDENT AS PORT ZONE [or any other**  
26 **government agency or corporation in the development of any**  
27 **foreshore area]. EXISTING LEASES ON FORESHORE AREAS**  
28 **DEVOTED TO PORT DEVELOPMENT AND OPERATIONS ARE**  
29 **HEREBY TRANSFERRED FROM THE BUREAU OF LAND**  
30 **MANAGEMENT TO THE AUTHORITY.**

31  
32 (viii) To control, regulate and supervise pilotage [and the conduct of  
33 pilots in any Port District] **SERVICES BY:**

34 **1. DETERMINING PILOTAGE SERVICES AND FEES;**  
35 **2. ACCREDITING QUALIFIED HARBOR PILOTS, AND**  
36 **PILOTAGE ORGANIZATIONS; AND**

1           **3. IDENTIFYING WHAT PORT IN THE COUNTRY SHALL BE**  
2           **UNDER COMPULSORY OR OPTIONAL PILOTAGE.**

3           (ix) TO ENSURE SAFE AND EFFICIENT NAVIGATION, THE  
4           AUTHORITY SHALL PROVIDE WITHIN THE PORT LIMITS  
5           SUCH NAVIGATIONAL AIDS AND LIGHTHOUSE AND  
6           COMMUNICATION SERVICES AND STRUCTURES WHICH  
7           SHALL BE ALLOCATED AND GRANTED EXCLUSIVE RADIO  
8           FREQUENCY LINE BY THE GOVERNMENT.

9  
10          [[IX)] (x) To provide or assist in the provision of training programs and  
11          users for the efficient discharge of its functions and duties, and  
12          responsibilities.

13          [(x)] (xi) To perform such acts or provide such services as may be  
14          deemed proper or necessary to carry out and implement the provisions  
15          of this decree.

16  
17          **SECTION 6.** Sub-paragraph (v), and (x) of Section 6 (b) of the same decree  
18          are hereby amended, new sub-paragraphs (xv), (xvi), and (xvii) are added and sub-  
19          paragraph (xv) and (xvi) are hereby renumbered as (xviii) and (xix), respectively, to  
20          read as follows:

21  
22                 “(v) To create, **REORGANIZE OR ABOLISH OFFICES,**  
23                 **DETERMINE STAFFING PATTERN AND NUMBER OF**  
24                 **PERSONNEL AND STAFF THE ORGANIZATION WITH**  
25                 **APPROPRIATE AND QUALIFIED PERSONNEL,** [or alter its own  
26                 organization or any Port Management Unit, and staff such an  
27                 organization or Port Management Unit with appropriate and qualified  
28                 personnel] in accordance with what may be deemed [proper or]  
29                 necessary to achieve the objectives of the Authority.

30                 **ANY OFFICIAL OR EMPLOYEE WHO MAYBE REMOVED BY**  
31                 **REASON OR REORGANIZATION SHALL, IN ADDITION TO**  
32                 **THE BENEFITS UNDER EXISTING RETIREMENT LAWS, BE**  
33                 **GRANTED NOT LESS THAN THREE (3) MONTHS BASIC**  
34                 **SALARY FOR EVERY YEAR OF SERVICE.**

35  
36          (w) xxx

1 (x) To [reclaim,] excavate, enclose or raise any part of the lands FOR  
2 PORT-RELATED PURPOSES, ON ITS OWN OR THROUGH A  
3 PRIVATE DEVELOPER, UNDER SUCH ARRANGEMENT AS THE  
4 AUTHORITY MAY DEEM PROPER. THE AREAS THUS  
5 RECLAIMED SHALL BE ELIGIBLE FOR TITLING IN THE NAME  
6 OF THE AUTHORITY OR THE PRIVATE DEVELOPER [vested in  
7 the Authority].

8 xxx

xxx

xxx

9 (xv) TO ISSUE PERMIT FOR THE CONSTRUCTION OF PORT  
10 STRUCTURES. IN PARTICULAR, TO ENCOURAGE THE  
11 ESTABLISHMENT AND OPERATION OF PRIVATE PORTS;  
12 PROVIDED, THAT THE OPERATION AND MAINTENANCE  
13 THEREOF SHALL BE DIRECTLY CONNECTED TO AND IS AN  
14 INTEGRAL PART OF THE PRINCIPAL BUSINESS OF THE  
15 PRIVATE PORT OPERATOR.

16  
17 (xvi) TO UNDERTAKE CONSTRUCTION OF PORT FACILITIES  
18 AND PROVIDE SERVICES. FOR THIS PURPOSE, ANY  
19 RESTRAINING ORDER OR INJUNCTION AGAINST THE  
20 AUTHORITY SHALL BE ISSUED ONLY BY THE SUPREME  
21 COURT, NOT BY LOWER COURTS.

22  
23 (xvii) TO ENSURE AMPLE PROTECTION TO PORT LABOR  
24 FORCE IN CASE OF CHANGE IN THE MANAGEMENT AND  
25 OPERATIONS OF CARGO HANDLING AND PORT SERVICES,  
26 THE LABOR FORCE OF THE OUTGOING CARGO HANDLING  
27 AND PORT SERVICE OPERATOR SHALL, AS FAR AS  
28 PRACTICABLE, BE ENTITLED TO THE FOLLOWING:

- 29 1. ABSORPTION FOR EMPLOYMENT BY THE INCOMING  
30 PORT SERVICE OPERATOR;
- 31 2. PURCHASE EQUITY STOCK NOT TO EXCEED TWENTY  
32 (20%) PERCENT OF THE AUTHORIZED CAPITAL STOCK  
33 OF THE INCOMING PORT SERVICE OPERATOR;
- 34 3. PAYMENT BY THE OUTGOING SERVICE OPERATOR OF  
35 THE BENEFITS WHICH HAVE ACCRUED TO THE LABOR  
36 FORCE UP TO THE TIME OF THE TRANSFER OR



1 ABSORPTION BY THE NEW OPERATOR, IN  
2 ACCORDANCE WITH LABOR AND SOCIAL  
3 LEGISLATIONS AND OTHER APPLICABLE LAWS. SAID  
4 BENEFITS SHALL CONSTITUTE A LIEN ON THE ASSETS  
5 AND EQUIPMENT OF THE OUTGOING CARGO  
6 HANDLER AND PORT SERVICE OPERATOR WHICH THE  
7 AUTHORITY SHALL TAKE INTO CUSTODY AND  
8 PROPERLY DISPOSE OF TO SATISFY THE LIEN.

- 9 4. CREATE A PORT WORKER AMELIORATION FUND  
10 (PWF) WHICH SHALL BE ADMINISTERED AND  
11 MAINTAINED BY THE AUTHORITY TOGETHER WITH  
12 REPRESENTATIVES FROM THE CARGO HANDLER'S  
13 ORGANIZATION OR PORT OPERATOR AND THE LABOR  
14 FORCE.

15 [(xv)] (xviii) xxx

16 [(xv)] (xix) xxx

17  
18 SECTION 7. Sub-paragraph (ix) of Section 7 (a) of the same Decree and  
19 Section 7(c) are hereby further amended to read as follows:

20  
21 "Sec. 7. Board of Directors

22 a) xxx

23 xxx xxx xxx

24 (ix) **THREE (3) [One (1)] PRIVATE SECTOR**  
25 **REPRESENTATIVES** [other person] who shall be appointed by the  
26 President of the Philippines: [representing the private sector] **ONE (1)**  
27 **FROM THE SECTOR OF SHIPOWNERS, ONE (1) FROM THE**  
28 **CHAMBER OF COMMERCE AND ONE (1) FROM INDUSTRY**  
29 **SECTOR, who by reason of [his] THEIR knowledge [or] AND**  
30 **experience [is] ARE COMPETENT TO BE MEMBERS OF THE**  
31 **BOARD OF DIRECTORS, [in the opinion of the President, fit and**  
32 **proper person to be Director of the Board.]: PROVIDED, That, in the**  
33 **absence of the Director appointed in sub-sections (iii) to (viii) the**  
34 **Director concerned shall designate the officer next in rank to him in his**  
35 **department or office to act on his behalf as Director.**

36 xxx xxx xxx

1 (c) The members of the Board or their respective alternates shall  
2 receive a per diem **AND REPRESENTATION ALLOWANCE** as [it]  
3 **THE BOARD** may approve for each [board] meeting actually attended  
4 by them: Provided, [That, such per diems shall not exceed one  
5 thousand pesos during any month for each member. Provided further;  
6 That no other allowances or any form of compensation shall be paid  
7 them except actual expenses in traveling to or from their residence to  
8 attend Board meetings] **THAT THE AMOUNT OF SUCH PER DIEM**  
9 **AND ALLOWANCE SHALL BE COMPARABLE TO THOSE**  
10 **ALLOWED BY OTHER BOARDS OF OTHER GOVERNMENT**  
11 **CORPORATIONS OF THE SAME SIZE AND INCOME AS THAT**  
12 **OF THE AUTHORITY."**  
13

14 **SECTION 8.** Section 8 (c) of the same Decree is hereby amended, a new  
15 paragraph (d) is added and paragraphs (d),(e) and (f) are hereby designated as(e), (f)  
16 and (g), respectively, to read as follows:

17  
18 "Sec. 8 Management and Staff -

19 a) xxx

20 xxx xxx xxx

21 c.) The general manager shall, subject to the approval of the Board,  
22 determine the **ORGANIZATIONAL STRUCTURE AND** staffing  
23 pattern [and the number of personnel] of the Authority [.] **AND** define  
24 their duties and responsibilities [and] **AS WELL AS** fix their  
25 **COMPENSATION** [salaries] and **OTHER** emoluments. [For  
26 professional and technical positions, the General Manager shall  
27 recommend salaries and emoluments that are comparable to those of  
28 similar positions in other government- owned corporations, the  
29 provisions of existing rules and regulations on wage and position  
30 classification notwithstanding.] **ALL POSITIONS IN THE**  
31 **AUTHORITY SHALL BE GOVERNED BY A SALARY**  
32 **STANDARDIZATION APPROVED BY THE BOARD BASED ON A**  
33 **COMPREHENSIVE JOB ANALYSIS AND AUDIT OF ACTUAL**  
34 **DUTIES AND RESPONSIBILITIES OF THE EMPLOYEES. THE**  
35 **COMPENSATION PLAN SHALL BE COMPARABLE WITH**  
36 **PREVAILING COMPENSATION PLANS IN THE PRIVATE**

1 SECTOR AND SHALL BE SUBJECT TO REVIEW, WITHOUT  
2 PREJUDICE TO YEARLY MERIT INCREASE BASED ON  
3 PRODUCTIVITY AND PROFITABILITY. THE AUTHORITY  
4 SHALL BE EXEMPTED FROM REPUBLIC ACT NO. 6758,  
5 OTHERWISE KNOWN AS "THE COMPENSATION AND  
6 POSITION CLASSIFICATION ACT OF 1989" OR ANY FUTURE  
7 SALARY STANDARDIZATION LAW OR ATTRITION LAW  
8 WHICH MAY HEREINAFTER BE ENACTED.

9 D) THE PERSONNEL OF THE AUTHORITY WHO ARE AFFECTED  
10 BY THE CREATION OF A SUBSIDIARY, JOINT VENTURE OR  
11 TRANSFER OF THE MANAGEMENT, DEVELOPMENT,  
12 MAINTENANCE AND OPERATION FUNCTIONS OF THE PORTS  
13 OR PORT SERVICES TO THE PRIVATE SECTOR SHALL BE  
14 ENTITLED TO THE SAME BENEFITS AS THOSE AFFECTED BY  
15 THE REORGANIZATION AND SHALL BE ABSORBED BY THE  
16 PORT OPERATING FIRMS AND ENTITLED TO OR  
17 GUARANTEED WITH SECURITY OF TENURE FOR NOT LESS  
18 THAN FIVE (5) YEARS."

19  
20 SECTION 9. Section 9-A of the same Decree is hereby amended to read as  
21 follows:

22  
23 [d)] E) xxx

24 [e)] F] xxx

25 [f)] G] xxx"

26 SEC. 9-A. [National] Port Advisory Councils - There are [is  
27 hereby created as National] **SHALL BE ESTABLISHED** Port Advisory  
28 Councils **AT THE PORT DISTRICT OFFICES AND PORT**  
29 **MANAGEMENT OFFICES** to be composed of [the General Manager  
30 of the Philippine Ports Authority as Chairman and a representative  
31 each from the Department of Labor and Employment, the Bureau of  
32 Customs, chambers of commerce and industry, import and export  
33 associations, the local shipping companies, the foreign shipping  
34 companies, arrastre and stevedoring companies, consumer group,  
35 shippers council and such other aggrupation as the Authority may  
36 deem expedient as members, which shall act as an advisory body to

1 assist the Authority in the formulation of its policies.]  
2 REPRESENTATIVES FROM PPA AS CHAIRMAN, AND DOTC,  
3 LOCAL GOVERNMENT UNITS (LGUS) MARITIME INDUSTRY  
4 AUTHORITY (MARINA), PHILIPPINE COAST GUARD (PCG)  
5 AND NON-GOVERNMENTAL ORGANIZATIONS CONCERNED  
6 WITH PORT AND MARITIME SECTORS, AS MEMBERS, TO  
7 ASSIST THE AUTHORITY IN THE FORMULATION OF PORT  
8 DEVELOPMENT PLANS AND OPERATIONAL POLICIES AND  
9 RESOLUTIONS.”

10  
11 SECTION 10. Section 13 (a) of the same Decree is hereby amended to read as  
12 follows:

13  
14 “Sec. 13. Borrowing Powers - xxx

15 a) The Authority may, after consultation with the [central bank]  
16 **BANGKO SENTRAL NG PILIPINAS** and the Department of  
17 Finance, and with the approval of the President of the Philippines  
18 raise funds, either from local or international sources by way of  
19 loans, credits or securities, **AS WELL AS THE FLOTATION OF**  
20 **BONDS** and borrowing instruments, including the power to create  
21 pledges, mortgages and other voluntary liens or encumbrances on  
22 any of its assets or properties.”

23 xxx xxx xxx

24  
25 SECTION 11. Section 22 of the same Decree is hereby amended to read as  
26 follows:

27  
28 “Sec.22. Remedies for Non- Payment- If the master, owner, or  
29 agent of any vessel refuses or neglects to pay on demand any dues,  
30 rates or charges made under this Decree or any part thereof **OR ANY**  
31 **DAMAGE TO PORT FACILITIES**, the Authority may, in addition to  
32 any other remedy provided by law, detain or arrest or its own  
33 authority such vessel and tackle, apparel or furniture belonging to the  
34 vessel, and detain the same until the amount or amounts due have  
35 been paid.”

1           **SECTION 12.** Section 30 of the same Decree is hereby amended by adding  
2 paragraphs(b) and (c) to read as follows:

3  
4           “Sec. 30. Transfer of Existing and Completed Physical Facilities -

5           a)     In accordance with the transitory provisions of this Decree,  
6 there shall be transferred to the Authority all existing and completed  
7 public ports facilities, quays, wharves, docks, land buildings and other  
8 property, movable or immovable, belonging to those ports declared as  
9 Port Districts for purposes of this Decree.

10  
11           **b)     THE ADMINISTRATION, REVENUE COLLECTION,**  
12 **MANAGEMENT, OPERATION AND DEVELOPMENT OF**  
13 **GOVERNMENT PORTS WHICH ARE NOT EMBRACED OR**  
14 **INCLUDED IN THE PORT SYSTEMS ESTABLISHED BY THE**  
15 **AUTHORITY MAY, UPON THE CONCURRENCE OF THE**  
16 **AUTHORITY, BE DEVOLVED TO THE LOCAL GOVERNMENT**  
17 **UNITS.**

18  
19           **c) PRIOR TO ANY DEVOLUTION, THE AUTHORITY SHALL**  
20 **ENSURE THAT THE LGU SHALL HAVE THE PROPER**  
21 **TRAINING TO OPERATE AND MANAGE THE DEVOLVED**  
22 **PORTS. DOTC AND OTHER AGENCIES WHICH HAVE**  
23 **FINANCED AND CONSTRUCTED PORTS ON THEIR OWN MAY**  
24 **TURN THEM OVER TO THE AUTHORITY FOR OPERATION.**  
25 **THE SAME PORTS MAY ALSO BE DEVOLVED BY THE**  
26 **AUTHORITY TO THE LOCAL GOVERNMENT UNITS.”**

27  
28           **SECTION 13. *Implementing Rules and Regulations.*** - The Chairman of the  
29 Authority shall, within sixty (60) days from the approval of this Act, promulgate the  
30 rules and regulations as may be necessary for the effective implementation of this  
31 Act.

32  
33           **SECTION 14. *Separability Clause.*** - If for any reason, a section or provisions  
34 of this Act is declared to be unconditional or invalid, the other sections or provisions  
35 of this Act which are not affected thereby shall continue to be in full force and effect.

1           **SECTION 15. *Repealing Clause.*** - All laws, decrees, orders, rules and  
2 regulations or parts thereof inconsistent with this Act are hereby repealed or  
3 amended accordingly.

4

5           **SECTION 16. *Effectivity.***\* - This shall take effect fifteen (15) days following  
6 its publication in at least two (2) national newspapers of general circulation.

7

8           Approved,