

**UPDATES**  
**DOTr Department**  
**Order No. :**  
**2020-008**  
**Shippers'**  
**Protection**  
**Office**

**August 18, 2020**



# BACKGROUND

- **Issues raised on the surcharges of international shipping lines has heightened during the pandemic**
- **IATF Resolution No. 46, Series of 2020, (complaints office under PPA)**
- **Mechanism to consolidate all concerns of maritime stakeholders and to coordinate with the government agencies with proper jurisdiction for appropriate action**

# Salient Features of DO No. 2020-008

## *Coverage*

- Complaints and issues related to rates, charges, practices and operations of shipping lines, domestic and international

## *Purpose*

- Temporary emergency measure to protect people from the impact and effects of exorbitant and unreasonable shipping fees resulting in increased prices for domestic consumers
- Repository of all documents, concerns and matters with respect to regulations of international and domestic shipping lines pending resolution of jurisdictional issues among government agencies and passage of proposed legislations

# COMPOSITION OF THE SPO

**Chairperson: Jay Daniel R. Santiago (PPA)**

**Vice-Chairperson: VADM Robert A. Empedrad  
(MARINA)**

**Members:**

- Narciso A. Vingson (DOTr-Maritime)
- Alexander B. Felix (DOTr-Maritime)
- Minette L. Sioson (DOTr-Legal)
- Erika Diane M. Wijangco (DOTr-Legal)
- Hector E. Miole (PPA)
- Rizal J. Victoria (MARINA)
- Dennis A. Pandeagua (PCG)
- Francis Ramir R. Oliquino (PCG)

# Composition of the Secretariat for the SPO ( PPA Special Order No. 268-2020)

**Chairperson: M.A. Hiyasmin H. Delos Santos**

**Vice-Chairperson: Rigel L. Caabay**

**Members:**

- **Mitchie F. Manatad**
- **Hanes M. Alvio**
- **Carmenez B. Cruz**
- **Diane Steffi T. Guillamon**
- **Other PPA Lawyers (on need basis)**

# *Functions and Responsibilities*

## ■ **PPA General Manager**

- ✓ Oversee, monitor and evaluate the operations and management of the SPO
- ✓ Formulate and issue guidelines, rules and regulations relevant to the activities and performance of the SPO
- ✓ Approve and sign all reports, submissions and other relevant documents and materials concerning the operations of the SPO
- ✓ Submit monthly report to SOTr and recommend measures for improvement
- ✓ Perform other related functions as may be directed

# *Functions and Responsibilities*

## ▪ **SPO and its members**

- ✓ Assist the public on matters concerning the operations, fees and charges collected by, international and domestic shipping lines
- ✓ Collect and consolidate all relevant data and information
- ✓ Require submission of comments/position on complaints/issues raised shipping lines, and to appear before the SPO
- ✓ Coordinate with appropriate government agencies
- ✓ Submit report, information, document and other relevant materials to the SPO Chairperson
- ✓ Perform other related functions as may be directed



# *Functions and Responsibilities*

## ▪ **Secretariat**

- ✓ Provide administrative support
- ✓ Organize activities/meetings
- ✓ Assist in coordinating with concerned govt. offices
- ✓ Perform other related functions as may be directed



# **RULES OF PROCEDURE BEFORE THE SHIPPERS' PROTECTION OFFICE (SPO)**

# RULE I

## GENERAL PROVISIONS

**Section 1. Title.** This Rules shall be known as the “*Rules of Procedure Before the Shippers’ Protection Office*”.

**Section 2. Scope.** This Rules shall apply to all **complaints** and **issues** filed with the SPO related to the **rates, charges, practices** and operations of international and domestic shipping lines in the country.

**Section 3. Construction.** This Rules shall be **liberally construed** in order to promote the objective of obtaining a just, speedy and inexpensive disposition of and recommendations on the complaints and issues filed before the SPO.

**Section 5. Supplementary Application.** In the absence of an applicable provisions under this Rules or as may be promulgated by the SPO, the relevant provisions of the **Rules of Court** of the Philippines and **relevant jurisprudence** may, in the interest of speedy disposition of complaints, be applied by **analogy** or in a **supplementary** character.

**Section 6. Rules on Electronic Evidence.** Unless specifically provided under this Rules, the rules on admissibility of electronic evidence shall be applicable.

**Section 7. Definition of Terms.** For purposes of this Rules, the following terms are defined as follows:

**a. Charges and Rates** refers to any monetary value imposed by an international and/or domestic shipping lines to be paid by the shipper/consignee as compensation for services rendered involving the carriage of cargoes. It includes penalties, surcharges and other fees being imposed by shipping lines or their agents in connection with the said carriage of cargoes.

**e. Complainant** refers to the party initiating the action by filing a complaint.

**f. Complaints Officer** refers to an officer/s designated by the SPO Chairperson to handle the complaints, preside the conduct of clarificatory conference, if needed, and prepare his/her findings and recommendations for the approval of the SPO as prescribed under this Rules

**g. Domestic Shipping** shall mean the transport of passenger or cargo, or both, by ships duly registered and licensed under Philippine law to engage in trade and commerce between Philippine ports and within Philippine territorial or internal waters, for hire or compensation, with general or limited clientele, whether permanent occasional or incidental, with or without fixed routes, and done for contractual or commercial purposes

**h. International Shipping Lines** refers to entities engaged in the transport of goods and/or passengers to and from Philippine ports to foreign ports.

## Rule II

### COMPLAINT

**Section 1. How Commenced.** An action may be initiated by a shipper or its duly authorized representative by filing a complaint. The party initiating the action shall be called the “Complainant”, and the party against whom a complaint is filed shall be called the “Party Complained of”.

An action before the SPO shall commence by filing with the SPO either a notarized complaint or accomplished and notarized Complaint Form (Form No. XX) in duplicate, accompanied by supporting document/s as well as the affidavits of witnesses, if any.

No formal document, other than the Complaint as described in this Rule, is necessary to initiate a complaint.

**Section 2. Form and Substance.** A complaint must be in writing, duly signed by the Complainant and shall contain the following:

1. Name, address and circumstances of Complainant
2. Name, address and circumstances of Person Complained of
3. Brief statement of the relevant facts and circumstances
4. Copies of supporting documents and/or affidavits of witnesses supporting the allegations in the complaint, if any
5. Specific acts or transactions giving rise to the claim; and
6. Relief/s sought

In case the party is a juridical entity, the person filing the complaint shall present appropriate authority to represent.

**Section 3. Transmission of Complaint.** The complaint shall be filed in a form provided in this Rules and shall be transmitted through any of the following means:

1. Mail : SHIPPERS' PROTECTION OFFICE  
3<sup>rd</sup> Floor, POSD, PPA Head Office Building  
Bonifacio Drive, South Harbor  
Port Area, Manila

2. Electronic Mail: [shippersprotectionoffice@ppa.com.ph](mailto:shippersprotectionoffice@ppa.com.ph)

**Section 4. Caption and Title.** The caption of the complaint shall be as follows:

<p>Republic of the Philippines DEPARTMENT OF TRANSPORTATION SHIPPERS' PROTECTION OFFICE PPA Head Office Building Bonifacio Drive, South Harbor Port Area, Manila</p> <hr/> <p><i>Complainant,</i></p> <p>SPO Complaint No. 2020-_____</p> <p style="text-align: center;">-versus-</p> <p>FOR: (Nature of Complaint)</p> <hr/> <p><i>Person Complained Of</i></p> <p>X-----X</p>
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Upon filing of the complaint, the Secretariat, after having determined compliance with the requirements under Sections 2 hereof, shall docket the same and assign to it a number. The numbering of Complaints must be consecutive according to the date they are received, and prefixed as follows:

SPO Complaint No. \_\_\_\_\_ - \_\_\_\_\_

(Year) (Number)



**Section 5. Withdrawal of Complaint.** The complainant at any time may withdraw the complaint by informing the SPO in writing citing the reason/s for said withdrawal. The Secretariat shall include said withdrawal in the records of the complaint.

Within five (5) calendar days from the filing of the withdrawal, the SPO shall acknowledge the same and the case shall then be considered closed and terminated.

### **RULE III**

## **COMPLAINT, COMMENT/OPPOSITION AND CLARIFICATORY CONFERENCE**

**Section 1. Referral of the Complaint.** Within five (5) calendar days from receipt of a complaint, the SPO shall conduct a preliminary evaluation to determine if the SPO may take cognizance of the action.

In the event that the cause of action falls within the jurisdiction of a particular Government agency or entity, an **endorsement or referral** shall be prepared by the SPO forwarding the complaint to the appropriate agency, copy furnished the complainant.

In case the complaint is cognizable by the SPO, the person complained of shall be furnished a copy thereof with instructions to submit **Comment/Opposition within ten (10) calendar days from receipt.**

**Section 2. Comment/Opposition.** Within ten (10) calendar days from receipt of the copy of the complaint and supporting documents, if any, the person complained of shall file Comment/Opposition stating the admissions and/or defenses and attaching therewith supporting documents, if any.

Failure to file the required comment/opposition within the prescribed period shall be considered a waiver to file the same and the complaint shall be deemed submitted for disposition and recommendations based on the evidence on record, unless the SPO deems it necessary to **conduct clarificatory conference.**

**Section 3. Clarificatory Conference.** If necessary, the parties may be directed to appear before the Complaints Officer to answer clarificatory and other relevant questions which may be conducted through any virtual meeting platform agreed upon by the parties.

A clarificatory conference may be held to establish and/or determine any of the following:

a. Facts

b. Issues

c. Willingness to enter into a compromise agreement; or

d. Other matters as may aid the prompt and just resolution of the case.

**Section 4. Appearances.** The parties shall be personally present during the conference before the Complaints Officer on the designated date and time thereof. Appearance by a representative shall be with appropriate authority.

**Section 5. Evaluation Report.** The Complaints Officer shall submit an Evaluation Report to the SPO within fifteen (15) calendar days from receipt of the comment/opposition from the person complained of or from the date of clarificatory conference, if one was conducted.

The Evaluation Report shall be in writing, signed by the Complaints Officer assigned to handle the complaint and shall contain the following:

1. Statement of Facts
2. Specific acts or transactions giving rise to the claim
3. Comments/Position of the Parties
4. Agreements, if any
5. Findings and Recommendation

## **Rule IV**

### **COMPROMISE**

**Section 1. Scope.** All complaints brought under this Rules may be the subject of compromise except those violations that are not subject to compromise under the law.

**Section 2. Compromise.** At any stage of the proceeding, any party may submit an offer of compromise which must be in writing, signed by the parties, duly notarized.

The SPO shall note the Compromise Agreement and consider the case closed and terminated.

# Rule V

## RECOMMENDATION

**Section 1. Recommendation.** The Evaluation Report prepared by the Complaints Officer shall be submitted to the SPO Chairperson and Members for consideration and approval.

The approved Evaluation Report shall be the Recommendation of the SPO to the parties.

The Secretariat shall serve copies of the Recommendation upon the parties and appropriate agency of the government within five (5) calendar days from the approval thereof by the SPO.

# Rule VI

## MISCELLANEOUS PROVISIONS

**Section 1. Separability Clause.** If for any reason, any section or part of this Rules is declared by competent judicial authority to be invalid, all other sections or parts thereof which are not affected shall continue in full force and effect.

**Section 2. Effectivity.** This Rules shall take effect immediately after its publication in a newspaper of general circulation and a copy filed with the University of the Philippines Law Center.

**THANK YOU!**

