



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 172

**DECLARING THE PORT OF BATANGAS AND SUBIC BAY FREEPORT AS EXTENSIONS
OF THE PORT OF MANILA (MICT/SOUTH HARBOR) DURING PORT
CONGESTION AND OTHER EMERGENCY CASES**

WHEREAS, it is a declared objective of the State to ensure the smooth flow of waterborne commerce passing through the country's ports, whether public or private, in the conduct of international and domestic trade;

WHEREAS, port congestion is one of the major factors hindering the free flow of goods and services passing through the ports, with its domino effects immediately cascading and impacting on the demand-supply chain and eventually to the country's economic growth and performance;

WHEREAS, the Port of Manila is considered as the Philippines' most important port not only in terms of revenues it generates but also because of its being the premier international gateway to the country;

WHEREAS, the past six (6) months have witnessed how port congestion at the Port of Manila, specifically, the Manila International Container Terminal (MICT) and the South Harbor, have tremendously disrupted industries and businesses not only in Metro Manila but across the country, and how it has highlighted the important and crucial role that the government has to play in mitigating its impact and finding immediate solutions;

WHEREAS, the drastic restriction in the movement of trucks transporting cargoes in and out of the Port of Manila because of the shortened operating window of trucks due to truck ban imposed by certain Local Government Units resulted in the abnormal movement, accumulation and piling up of cargoes and eventually severe port congestion;

WHEREAS, there is a need to adopt measures to immediately and effectively address the existing port congestion in the Port of Manila in order to avert further damaging effects to the country's economy, and also to put in place a mechanism that will immediately address future similar situations; and

WHEREAS, the Port of Batangas and the Subic Bay Freeport are not only ports of closest proximity to the Port of Manila but have the required capacity to handle export and import cargoes in terms of equipment, manpower and berth.

NOW THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. EXTENSION OF THE PORT OF MANILA. It is hereby declared that whenever there is congestion in the Port of Manila, or in case of emergency situations affecting public interest such as, but not limited to, strikes or lock-outs and natural calamities,

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resulting to serious disruptions in port operations, designated ports in the Port of Batangas and the Subic Bay Freeport shall be considered as extensions of the Port of Manila.

The designation of the specific port shall be made by the Philippine Ports Authority (PPA) in the case of the Port of Batangas and the Subic Bay Metropolitan Authority (SBMA) in the case of the Subic Bay Freeport.

Section 2. DECLARATION OF PORT CONGESTION. The Secretary of the Department of Transportation and Communications (DOTC) shall declare the existence of port congestion or emergency cases upon the recommendation of the Board of Directors of the PPA. The conditions for such declaration shall be based on the guidelines to be prescribed and approved by the PPA Board of Directors.

Section 3. EFFECTS OF DECLARATION OF PORT CONGESTION OR EMERGENCY CASES. The declaration by the DOTC Secretary of the existence of port congestion or emergency cases affecting public interest shall have the following effects:

- a. The designated ports in the Port of Batangas and the Subic Bay Freeport shall be deemed as extensions of the Port of Manila.
- b. Foreign vessels with Port of Manila as the port of destination or origin may be directed to berth either at the Port of Batangas or Subic Bay Freeport. For said purpose, the berthing in said ports shall be considered as berthing at the Port of Manila.
- c. All rules and regulations being enforced at the Port of Batangas or Subic Bay Freeport as promulgated by the PPA and SBMA, respectively, including berthing and other port fees, among others, shall apply to foreign vessels directed to berth thereat.

Section 4. VALIDITY OF THE DECLARATION. The extension of the Port of Manila shall exist for the duration of the existence of port congestion or emergency cases and shall be lifted once the situation in the Port of Manila has already normalized, as determined by the DOTC Secretary.

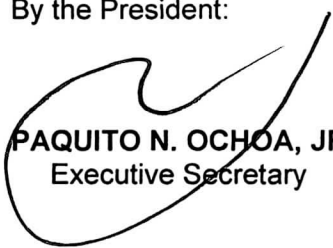
Section 5. SEPARABILITY CLAUSE. If any part or provision of this Order is held invalid or unconstitutional, the other parts or provisions not affected thereby shall remain valid and effective.

Section 6. REPEALING CLAUSE. All orders, proclamations, rules, regulations, or parts thereof, which are inconsistent with this Order, are hereby repealed, amended or modified accordingly.

Section 7. This Executive Order shall take effect immediately upon publication in a newspaper of general circulation.

DONE, this 13th day of September, in the year of our Lord, Two Thousand and Fourteen.

By the President:


PAQUITO N. OCHOA, JR.
Executive Secretary

