

**[LLDA RESOLUTION NO. 127, S. 2000, January
27, 2000]**

**APPROVING THE IMPLEMENTING GUIDELINES ON THE
DEVELOPMENT AND OPERATION OF ON-SHORE FACILITIES FOR
FERRY SYSTEM AND OTHER ACTIVITIES IN THE LAGUNA DE BAY
REGION**

WHEREAS, in consideration of proposals to ply ferry boats in the Laguna de Bay to transport passengers and goods to lakeshore towns, the LLDA Board passed Resolution No. 67, Series of 1998, approving the Policy Framework Towards Operationalizing a Ferry System in the Laguna de Bay Region;

WHEREAS, the LLDA Board further adopted Resolution No. 74, Series of 1998, approving the Policy Guidelines on the Operation of a Ferry System in the Laguna de Bay Region and Resolution No. 81, Series of 1998, approving the Implementing Rules and Regulations Governing the Operation of a Ferry System in the Laguna de Bay Region;

WHEREAS, Section 7 of Board Resolution No. 81, Series of 1998, provides that certain on-shore structures, facilities/equipment may be established, installed and/or made available for use by the vessels for loading, unloading, refueling and other activities subject to separate clearance/permit from the LLDA and such other permit/clearance/license as required by other concerned government agencies and local government units; and

WHEREAS, formulation of guidelines for the development and operation of aforesaid on-shore structures is necessary in support of the ferry system and other activities in the Laguna de Bay Region;

NOW, THEREFORE, for and in consideration of above premises, BE IT RESOLVED, as it is hereby RESOLVED, to approve the following the Implementing Guidelines on the Development and Operation of On-Shore Facilities for Ferry System and Other Activities in the Laguna de Bay Region:

ARTICLE 1. Title. — These guidelines shall be known and cited as the "Implementing Guidelines on the Development and Operation of On-Shore Facilities for Ferry System and Other Activities in the Laguna de Bay Region."

ARTICLE 2. Statement of Policy. The Authority hereby declares an open policy on the development and operation of on-shore facilities within the Laguna de Bay Region. While the Authority has the exclusive jurisdiction over the shoreland areas of the said region and exercises primary responsibility to implement integrated and coordinated planning development, operation and control on facilities on the said shoreland areas, it encourages and allows private sector, local government units and other authorized government agencies to participate in the provision

of on-shore facilities. When public interest so requires, the project may be opened for joint-venture agreement with both the LLDA and any of these participants as proponent or through the build-operate-transfer scheme or any of its variants.

The implementation of these guidelines shall adhere to the following declared policies:

- a) The management and control of the use and/or occupancy of the shoreland areas and operation of ferry system shall be within the context of national socio-economic development plans and policies as well as environmental concerns;
- b) All shoreland areas lying below elevation 12.50 meters shall be maintained as buffer zones in consonance with the Authority's policies, plans and programs for the management of the water quality, protection and conservation of the water resources of Laguna de Bay; and
- c) The development of on-shore facilities related to the operation of a ferry system and other activities in the region shall be pursued in consonance with the objectives of achieving the sustainable development of the lake's water resources.

ARTICLE 3. Scope and Coverage . — These guidelines shall cover the following on-shore facilities:

- a) Passenger/ferry terminals including wharves and piers;
- b) Radio or telecommunication and other related facilities;
- c) Garbage/sewage disposal and other sanitary facilities;
- d) Warehouse and cold storage facilities;
- e) Mooring/berthing facilities; and
- f) Other ancillary on-shore facilities.

ARTICLE 4. Definition of Terms . — For the purpose of these guidelines, whenever any of the following words, terms, phrases or abbreviations are used herein or in any amendment or supplementary thereto which may issued hereafter, they shall have the meaning ascribed in these guidelines:

- a) Authorized Government Agency — government entity which by virtue of its charter is authorized to enter into joint venture agreements;
- b) Berth — the part of the pier/wharf that is occupied by a vessel, or a place where a vessel may tie up;
- c) Build-Operate-and-Transfer (BOT) Scheme — the project proponent carries out the financing, construction, operation and maintenance of an on-shore facility. It operates the facility over a fixed term during which it is allowed to charge

facility users appropriate tolls, fees, rentals and charges not exceeding those specified in its contract. Such fees and charges should enable the proponent to recover its investment and to cover operating and maintenance expenses in the project. The facility is transferred to the government agency or LGU at the end of the fixed term which shall not exceed 50 years.

The BOT scheme includes a supply and operate situation with which the supplier of equipment and machinery also operates the facility. In the process, it transfers technology and provides training to Filipino nationals.

d) BOT Variant — any of the following contractual arrangements by which on-shore facilities may be undertaken:

- **Build-and-Transfer (BT)** — the project proponent undertakes the financing and construction of on-shore facility. After its completion, the proponent turns it over to the implementing government agency/local government unit upon payment to the proponent, using an agreed schedule, of its total investment expended on the project plus a reasonable rate of return;
- **Build-and-Lease-Transfer (BLT)** — the project proponent is authorized to finance and construct on-shore facility. Upon its completion, the proponent turns it over to the agency/LGU concerned on a lease arrangement for a fixed period. Ownership of the facility is automatically transferred to the agency/LGU after such period;
- **Build-Own-and-Operate (BOO)** — the proponent is authorized to finance, construct, own, operate and maintain on-shore facility, and in return, collect tolls, fees, rentals or other charges from facility users. The proponent which owns the assets of a facility may assign its operation and maintenance to a facility operator;
- **Build-Transfer-and-Operate (BTO)** — the concerned agency/LGU contracts out the building of an on-shore facility to a private entity on a turnkey basis. Once the facility is commissioned satisfactorily, the title is transferred to the implementing agency under an agreement;
- **Contract-Add-and-Operate (CAO)** — the proponent adds to an existing on-shore facility which is rented from the government. Thereafter, the proponent operates the expanded project over an agreed franchise period. There may or may not

be a transfer arrangement on the added facility provided by the proponent;

- **Develop-Operate-and-Transfer (DOT)** — the right to develop an adjoining property is given to the proponent of a new on-shore facility/project to allow enjoyment of benefits created by investing in the project, such as higher property or rent values;

- **Rehabilitate-Operate-and-Transfer (ROT)** — the proponent refurbishes, operates and maintains an existing on-shore facility over a franchise period. At the expiration of such period, the facility is turned over to the government; and

- **Rehabilitate-Own-Operate (ROO)** — an existing on-shore facility is turned over to the private sector to refurbish and operate with no time limitation imposed on ownership. As long as the operator does not violate its franchise, it can continue operating the facility.

e) ECD — the Engineering and Construction Division of the LLDA;

f) EPD — the Environmental Protection Division of the LLDA;

g) Ferry System — a network of vessels including motorized boats of at least three (3) gross tonnage plying the designated navigational routes to carry people and goods across and within the Laguna de Bay, its tributaries and the Napindan Channel;

h) Joint Venture Agreement — a consortium between or among private individuals/partnerships/corporations, LLDA and other government agencies for the financing, design, construction, operation and maintenance of on-shore facilities where members bind themselves to be jointly and severally responsible for the obligations of the proponent under a contract;

i) Laguna de Bay Region — comprises the whole provinces of Rizal and Laguna, the cities of San Pablo, Pasay, Caloocan, Quezon, Manila, Marikina, Pasig, Muntinlupa, Antipolo and Tagaytay, the towns of Tanauan, Sto. Tomas and Malvar in Batangas, the towns of Silang and Carmona in Cavite, Lucban in Quezon and the towns of Taguig and Pateros in Metro Manila;

j) LGU — Local Government Unit;

k) On-Shore Facilities — passenger/ferry terminals including wharves and piers, radio or telecommunication and

other related facilities, garbage/sewage disposal and other sanitary facilities, warehouse and cold storage facilities, mooring/berthing facilities, eco-tourism support facilities as may be required by the DOT such as medical facilities, parking space, food catering services/snack bars, information/orientation booth, souvenir shops and other on-shore facilities;

- l) PPA — Philippine Ports Authority;
- m) PPDD — the Planning and Project Development Division of the LLDA;
- n) Pier — any structure built into the lake but not parallel to the shoreland and includes any landing stage, stair, jetty, floating barge or pontoon and any bridge or other works connected therewith;
- o) PMD — the Project Management Division of the LLDA;
- p) Private Sector — specific individual, single proprietorship, partnership or corporation;
- q) Project Proponent — any private individual, single proprietorship, partnership or corporation, whether local or foreign, or local government unit and, other government agencies which/who formally signifies intention to finance the engineering, design, construction, operation and maintenance of on-shore facilities and submits complete requirements for project proposals;
- r) SCO — the Special Concerns Office of LLDA; and
- s) Wharf — a continuous structure built parallel to or along the margin of the sea or alongside, canals, or waterways where vessels may lie along side to receive or discharge cargo, embark or disembark passengers or lie at rest.

ARTICLE 5. Clearances/Permits for On-Shore Facilities. The development of on-shore facilities including the use of equipment in the conduct of activities such as loading, unloading, refueling and others shall be required to secure:

- a) LLDA Clearance in accordance with Sections 4 (d) and 41 of R.A 4850 as amended and its implementing rules and regulations;
- b) Discharge Permit, Authority to Construct and Permit to Operate Emission Source Installations, if applicable;
- c) Shoreland Occupancy Permit (SOP), if the site is an untitled shoreland area below 12.50-meter elevation;