

# CLIENT ADVISORY

---

04 OCTOBER 2023  
No. 2023-216



Dear valued clients,

We would like to inform you that SBMA has issued an advisory dated October 4, 2023, addressing All Port Clients regarding the strict implementation of applicable port laws, regulations, and processes for the following:

- Notarized Special Power of Attorney (SPA) for Company Representatives
- Office Hours for Seaport Processing
- Giving of Gifts
- Undertaking for Lack of Requirements




For your convenience, we have attached a copy of the SBMA Advisory for your reference.

We sincerely appreciate your continued support and patronage.



## CONTACT US!

 02 5322 7691 · 0919 0809583  
 support@ekonek.com  
 www.ekonek.com

 facebook.com/ekonekpilipinasinc  
 m.me/ekonekpilipinasinc  
 instagram.com/ekonekpilipinasinc

October 4, 2023

## ADVISORY

To All Port Clients:

In view of recent developments, and to ensure full compliance with applicable port laws, rules, and regulations, as well as established policies and procedures, conducive to an orderly, honest, and efficient processing by the Port Operations Group of the Subic Bay Metropolitan Authority (SBMA) of shipments in the Freeport, the following shall be strictly implemented, effective immediately:


- 1. Notarized Special Power of Attorney (SPA) for Company Representatives.** To avoid unauthorized or informal intermediaries, all persons processing shipments before the Seaport Department or the Trade Facilitation and Compliance Department (TFCD) shall submit a notarized SPA in their favor from the company which they claim to represent, using the template of the SBMA (see attached). The notarized SPA, indicating clearly the name of the processor as the authorized representative of the company, shall be required for every transaction or shipment.
- 2. Office Hours of Seaport Processing.** The Seaport Processing Office shall be open from 8:00 a.m. to 5:00 p.m., from Mondays thru Fridays. Accordingly, cargo permit applications must be submitted well ahead of the said closing time to prevent delays and irregularities in their processing. Only vessel applications may be accommodated on Saturdays and Sundays, limited to the same time.
- 3. Giving of Gifts.** No official or employee of the Port Operations Group of the SBMA shall solicit or accept any gift, gratuity, favor, entertainment, loan, or anything of monetary value from the public, as defined under Republic Act No. 6713, in connection with the processing of shipments or importations. Hence, all processors or anyone transacting with the Seaport Department or the TFCD are enjoined not to offer or give any of the aforementioned, under pain of prosecution before the appropriate forum, court, or tribunal.
- 4. Undertaking for Lack of Requirements.** A written undertaking, regardless if notarized, to answer for the lack of any of the requirements or necessary documents such as, but not limited to, the following, shall no longer be considered for the favorable processing of a shipment:
  - a. Updated Certificate of Registration and Tax Exemption, Certificate of Registration, or Accreditation from the SBMA; or
  - b. Permits, clearances, advice, or any other similar requirement from other government agencies or instrumentalities.

As a result, any application which lacks a requirement shall neither be accepted nor given due course until the same is completely supported by all mandatory attachments and conditions. In addition, all persons transacting with the Seaport Department or the TFCD are encouraged to be abreast with the latest policies of the SBMA, in line with pertinent laws, rules, and regulations, which govern their shipments.

For strict compliance. Thank you.

Recommended by:

  
**ATTY. MARTIN KRISTOFFER F. ROMAN**  
Chief of Staff, Office of the Chairman & Administrator/  
Deputy Administrator for Port Operations

  
**RONNIE R. YAMBAO**  
Senior Deputy Administrator for Operations

Approved by:

  
**JONATHAN D. TAN**  
Chairman and Administrator

  
Subic Bay Metropolitan Authority  
OFFICE OF THE CHAIRMAN AND ADMINISTRATOR  
Building 229, Waterfront Road, Subic Bay Freeport Zone, 2022 Philippines  
Tel: +6347 252 4009/4011/4381/4382/4383 Fax: +6347 252 3014  
[www.mysubicbay.com.ph](http://www.mysubicbay.com.ph)



## SPECIAL POWER OF ATTORNEY

### KNOW ALL MEN BY THESE PRESENTS:

I, [COMPLETE NAME], of legal age, [POSITION TITLE IN THE COMPANY AND COMPANY NAME], with office address at [OFFICE ADDRESS], do hereby NAME, CONSTITUTE, and APPOINT [NAME OF AUTHORIZED REPRESENTATIVE/S], also of legal age/s, Filipino/s, to be my true and lawful attorney/s-in-fact, with full power to act on my behalf and in my name, to do and perform the following, as to which I have the authority to exercise and delegate:

1. Process the documents regarding our shipment or importation business, and perform all legal acts that are necessary, in compliance with the requirements, to successfully obtain the approval or clearance from the Subic Bay Metropolitan Authority (SBMA) and its departments such as, but not limited to, those under the Business and Investment Group and the Port Operations Group, including the Seaport Department and the Trade Facilitation and Compliance Department, as well as from the Bureau of Customs, among other relevant agencies, for our shipment or transaction;
2. Attend the regular Ship's Pre-arrival Meeting (SPAM), as conducted by the Seaport Department of the SBMA, which is among the mandatory requirements for the processing of our shipment;
3. Sign any and all papers, and pay the official fees and necessary expenses to be incurred, relative to our shipment or transaction; and
4. Be accountable for or on behalf of our company for any false or erroneous representation concerning the documents to be submitted or any violation that may be committed in the course of the transaction and the processing of our shipment, and thus be imposed the appropriate fine and/or penalty by the SBMA, such as the cancellation of his/her/their accreditation with the SBMA, without prejudice to prosecution before the proper court, should his/her/their act be criminal in nature, as well as against our company, which may include the cancellation of our business permit with the SBMA (e.g., Certificate of Registration and Tax Exemption/Certificate of Registration).

HEREBY GIVING AND GRANTING unto my said attorney-in-fact full power and authority to do and perform any and every act, and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could lawfully do if personally present and hereby ratifying and confirming all that my said attorney/s-in-fact shall lawfully do or cause to be done by virtue of these presents. This Special Power of Attorney shall take effect for this particular transaction (DETAILS OF TRANSACTION).

IN WITNESS WHEREOF, I have hereunto set my hand this [DATE] at [PLACE OF EXECUTION].

NAME OF AUTHORIZED COMPANY OFFICIAL  
Designation/Position, Company Name

With my/our conformity:

NAME/S OF AUTHORIZED REPRESENTATIVE/S  
SBMA Accreditation No., Date of Expiry

### ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)  
CITY OF \_\_\_\_\_ } S.S.

BEFORE ME, a notary public for and in [JURISDICTION], this [DAY] of [MONTH], 2023, known to be the same person/s who executed the foregoing instrument and acknowledged to me that same is their free and voluntary act and deed of the entity he/she/they represent/s.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this [DAY] of [MONTH], 2023 at [JURISDICTION], Philippines.