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SENATE

Senate Bill No. 1092

RECEIVED BY: J.

Introduced by SENATOR JOSEPH VICTOR G. EJERCITO

**AN ACT REGULATING HARBOR PILOTAGE SERVICES AND THE
CONDUCT OF HARBOR PILOTS IN ALL PORTS IN THE PHILIPPINES,
REORGANIZING PORT AUTHORITIES AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Pilotage service is one of the most important complementary services to vessels in port. Regulating harbor pilotage services and the conduct of harbor pilots will ensure not only the proper landing and setting of vessels but also the safe embarkation and disembarkation of both passengers and cargoes. It is about time that our antiquated laws in marine transportation be updated so as to fit the present conditions of the industry. Harbor pilots have long been fixtures in our ports. Without them, the safety of our ports, vessels, cargoes and the lives of millions of commuters depending on marine transportation may be placed in peril.

Under the proposed measure, all harbor pilots must get an accreditation from the Pilotage Committee before they can practice the profession. The pilotage committee shall accredit only a limited number of harbor pilots per district or port for efficiency purposes.

This proposed measure provides for the regulation and supervision of harbor pilotage services and the conduct of harbor pilots in the country. Correspondingly, it seeks to repeal Executive Order 1088 of 1986 otherwise known as "An Act Providing for Uniform and Modified Rates for Pilotage Services Rendered to Foreign and Coastwise Vessels in all Private or Public Philippine Ports."

Once approved, this bill would certainly provide effective and efficient delivery of pilotage services to all ports in the country. Hence, passage of this measure is urgently requested.

JOSEPH VICTOR G. EJERCITO

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Pilotage Services
2 Act of 2016".
3

4 **SECTION 2. Scope.** - This Act shall apply to all harbor pilots and pilotage
5 organizations providing pilotage services in all ports in the country, whether owned
6 by the government or by private persons.
7

8 **SECTION 3. Policy and Objectives.** - It is hereby recognized by the State that
9 pilotage service plays a vital and complementary role in the efficient operation of
10 ports and the protection of marine environment. It is therefore the policy of the State
11 to regulate, and supervise pilotage services and the conduct of pilots in all ports in
12 the country to attain the following objectives:
13

14 (a) To ensure safety at all times of port facilities, vessels, passengers, cargoes
15 and other port users;
16

17 (b) To ensure effective and efficient delivery of pilotage services through
18 rationalization of pilotage fees and charges;
19

20 (c) To encourage a healthy and friendly competitive environment among
21 entities engaged in pilotage services;
22

23 (d) To ensure the safety of life and property at sea, and protection of marine
24 environment;
25

1 (e) To upgrade the skills and qualifications of harbor pilots and to promote
2 and develop professionalism among their ranks; and

3
4 (f) To improve the traffic management system in ports.

5
6 **SECTION 4. *Definition of Terms.*** - For the purpose of this Act, the words and
7 phrases used herein shall be defined as follows:

8
9 (a) *Accreditation* refers to an official recognition, approval or permission
10 granted by the Authority to a harbor pilot or pilot organization to practice or
11 provide harbor pilotage services in a particular area for a prescribed period.

12
13 (b) *Appointment* refers to a designation by the Pilotage Committee granted to a
14 harbor pilot to exercise his profession and render pilotage service in a particular
15 pilotage district.

16
17 (c) *Authority* refers to the Philippine Ports Authority (PPA) and other port
18 authorities created under a special charter, including the ports within the economic
19 zones and autonomous regions, having exclusive jurisdiction, supervision and
20 control over port operation and management in a specific port in the Philippines.

21
22 (d) *Gross income* refers to the total gross billing assessed against the ship
23 owner/agents for pilotage and related services rendered, whether collected or not.

24
25 (e) *Harbor pilot* refers to a duly licensed Master Mariner, who is not part of the
26 regular complement of the vessel, taken on board at a particular place, and tasked to
27 efficiently and effectively perform pilotage service within a specific pilotage district.

28
29 (f) *Nongovernmental organization (NGO)* refers to a non-stock, nonprofit private
30 organizations with proven track record or experience in the conservation,
31 management and protection of marine environment.

32
33 (g) *Permit-to-operate* refers to the authority granted by the Port Authority to
34 any accredited pilot organizations to render pilotage service in a particular pilotage
35 district.

36 (h) *Pilotage license* refers to the permit or license granted by the Pilotage
37 Committee to a Master Mariner to exercise his profession and to render pilotage
38 services in a particular pilotage district.

39
40 (i) *Pilotage organization* refers to an association of harbor pilots duly licensed
41 and appointed by the Pilotage Committee for a particular harbor pilotage district as
42 defined in this Act.

43
44 (j) *Pilotage service* refers to the act of conducting, navigating or maneuvering a
45 vessel to/from berth or anchorage, along rivers, channels and estuaries, including all
46 related activities thereof.

1
2 (k) *Reorganized Umbrella Organization of Harbor Pilots* refers to a national
3 federation or association of harbor pilots, the membership of which comprises the
4 majority of the duly licensed harbor pilots in the Philippines as certified by the
5 Securities and Exchange Commission (SEC), the Cooperative Development
6 Authority (CDA) or the concerned regulatory body.
7

8 (l) *Recognized Umbrella Organization of Ship agents* refers to a national
9 federation or association of ship agents, the membership of which comprises the
10 majority of the ship agents in the Philippines as certified by the SEC, the CDA or the
11 concerned regulatory body.
12

13 **SECTION 5. *The Pilotage Committee.*** - Each Authority, under the supervision
14 of the Secretary of the Department of Transportation and Communications (DOTC),
15 is mandated to create a Pilotage Committee. Subject to the approval of the Secretary
16 of the DOTC, the Pilotage Committee shall define the nature and extent of harbor
17 pilotage services, including the establishment of rates in ports under its jurisdiction.
18

19 **SECTION 6. *Composition of the Pilotage Committee.*** - The Pilotage Committee,
20 which shall exercise jurisdiction over the regulation of pilotage profession and
21 conduct of pilotage services outside the jurisdiction of chartered ports, autonomous
22 regions and economic zones, shall be composed of six (6) members namely:
23

24 (a) The General Manager of the PPA;

25
26 (b) The Commandant of the Philippine Coast Guard (PCG);
27

28 (c) The incumbent President of the recognized umbrella organization of
29 harbor pilots;
30

31 (d) The incumbent President of the recognized umbrella organization of ship
32 agents;
33

34 (e) A representative from the recognized national association of Philippine
35 ship-owners; and
36

37 (f) A representative of a recognized NGO herein defined: *Provided*, That the
38 last two (2) members shall be appointed by the President of the Philippines for a
39 term of two (2) years from among the list of
40 recommendees submitted by the sector concerned.
41

42 The PPA General Manager shall act as Chairperson of the Pilotage
43 Committee. In the case of Authority in chartered ports, the Pilotage Committee shall
44 be composed of:
45

1 (1) General Manager of the Authority having jurisdiction over the chartered
2 port concerned who shall also act as Committee Chairperson;

3
4 (2) Commander of the Coast Guard District where the Authority is located;

5
6 (3) A representative from the recognized umbrella organization of harbor
7 pilots;

8
9 (4) A representative from the recognized umbrella organization of ship
10 agents;

11
12 (5) A representative from the recognized national association of Philippine
13 ship owners; and

14
15 (6) A representative of a recognized local NGO.

16
17 In the case of Authority of ports within the exclusive jurisdiction of the
18 autonomous regions, the Pilotage Committee shall be composed of:

19
20 (1) General Manager of the Authority having exclusive jurisdiction over the
21 ports of the autonomous region concerned who shall also act as Committee
22 Chairperson;

23
24 (2) Commander of the Coast Guard District where the Authority is located;

25
26 (3) A representative from the recognized umbrella organization of harbor
27 pilots;

28
29 (4) A representative from the recognized umbrella organization of ship
30 agents;

31
32 (5) A representative from the recognized national association of Philippine
33 ship owners; and

34
35 (6) A representative of a recognized local NGO.

36
37 The Pilotage Committee herein created shall be under the control and
38 supervision of the Secretary of the DOTC. The presence of four (4) members of the
39 Committee shall constitute a quorum for the exercise of its functions and the
40 affirmative vote of the majority of the members present shall be a valid and binding
41 act of the Committee.

42
43 In the absence of the Chairperson during any meeting, the members present
44 shall elect a temporary presiding officer from among themselves. The Chairperson
45 and members of the Committee shall receive *per diem* for every meeting actually

1 attended at rates approved by the Department of Budget and Management (DBM)
2 pursuant to existing laws and regulations.

3
4 The Committee shall hold regular meetings once a month and in no case shall
5 it hold more than one (1) special meeting in any month. The *per diem* of the
6 Chairperson and members of the Board shall be chargeable against the Pilotage
7 Safety Development Trust Fund provided under this Act.

8
9 **SECTION 7. Powers and Functions of the Pilotage Committee.** - The Pilotage
10 Committee shall have the following powers and functions:

11
12 (a) Establish, determine and adjust rates and fees for harbor pilotage services
13 by taking into account the current rate structure, tonnage of vessels, peculiarity and
14 intrinsic characteristic of each port and harbor and such other important factors:
15 *Provided*, That no imposition or adjustment shall be made without prior consultation
16 with the stakeholders in a public hearing called for the purpose: *Provided, further*,
17 That the rates and adjustments thereof shall be subject to the approval of the
18 Secretary of the DOTC and shall take effect only fifteen (15) days after its publication
19 in two (2) newspapers of general circulation;

20
21 (b) Conduct regular consultative meetings with duly accredited pilotage
22 organizations and duly licensed harbor pilots in relation to improvement of services,
23 upgrading of pilot facilities, rate restructuring and such other related concerns;

24
25 (c) Determine and appoint the number of harbor pilots needed in a particular
26 pilotage district in the case of PPA and in a particular port in the case of independent
27 port authorities;

28
29 (d) Ensure the efficient and fair handling of accreditation of harbor pilots,
30 cancel or suspend accreditation of harbor pilots for just cause, giving due notice to
31 affected parties and after proper hearing;

32
33 (e) Grant and issue pilotage license to harbor pilots;

34
35 (f) Cancel or suspend the license of harbor pilots for any act in violation of the
36 provisions of this Act;

37
38 (g) Accredite harbor pilot organizations;

39
40 (h) Cancel or suspend the accreditation of harbor pilot organizations for
41 causes mentioned in Section 18 of this Act;

42
43 (i) Prescribe fines for other acts which penalties are not otherwise provided in
44 this Act; and

45

1 (j) Determine and appoint such number of support personnel as may be
2 necessary to carry out its administrative functions subject to the provisions of the
3 civil service rules and regulations.
4

5 **SECTION 8. *Establishment of Harbor Pilotage District.*** - The Authority
6 concerned, subject to the approval of the Secretary of the DOTC, may opt to adopt
7 the existing port districts within its jurisdiction. However, it shall have the authority
8 to establish additional pilotage districts or reorganize the existing ones under its
9 jurisdiction as the need arises for purposes of public interest.
10

11 **SECTION 9. *Provision of Pilotage Services.*** - Pilotage service shall be provided
12 either directly by the Authority or, on a non-exclusive basis, through accredited
13 pilotage organizations in government-maintained or privately-managed ports in the
14 country. Every vessel while navigating in any pilotage district or any part thereof
15 shall be under pilotage and the owner, agent or master of the vessel shall comply
16 with that requirement. A vessel while being moved within any area of the port that
17 is or forms part of a pilotage district shall be deemed a vessel navigating in a
18 pilotage district.
19

20 Pilotage services shall be compulsory in government and private wharves,
21 berths, piers or anchorage except as otherwise provided in this paragraph. Every
22 vessel engaged in foreign trade shall always be under compulsory pilotage.
23

24 Pilotage for vessels engaged in domestic trade shall be optional unless a port
25 is declared under compulsory pilotage by the appropriate port authority. However,
26 the Authority may, if it appears to be necessary, exempt any vessel or class of vessels
27 engaged in domestic trade while navigating in any pilotage district, from being
28 under pilotage service subject to such conditions as it may deem appropriate.
29

30 The Authority shall consider the following factors in determining the type of
31 appropriate coverage for each port:
32

33 (a) Size and type of vessels;
34

35 (b) Physical and technical configuration of ports including mooring and
36 berthing capabilities;
37

38 (c) Hydrographic situation of the harbor including its channels and
39 passageways;
40

41 (d) Navigational capabilities of each port, safety and traffic devices and other
42 related navigational aids;
43

44 (e) Volume of vessel traffic or average frequency of vessel arrivals and
45 departures; and
46

1 (f) Such other factors which may affect the risk of vessel movements.
2

3 **SECTION 10. *Qualifications of Harbor Pilots.*** - A person shall be accredited as a
4 harbor pilot if one possesses the following:
5

6 (a) Filipino citizenship;
7

8 (b) Sound physical and mental condition;
9

10 (c) Good moral character;
11

12 (d) Duly licensed by the Pilotage Committee to practice one's profession
13 within a specified port or district;
14

15 (e) Not more than fifty-five (55) years old; and
16

17 (f) Must have been a Master Mariner on board sea going vessels of not less
18 than five thousand (5,000) gross tons for at least five (5) years.
19

20 **SECTION 11. *Compulsory Retirement of Pilots.*** - Upon the effectivity of this
21 Act, a harbor pilot shall be considered retired upon reaching the age of seventy (70):
22 *Provided, however,* That all harbor pilots shall undergo annual medical and physical
23 examinations as a requirement for the continued exercise of pilotage service
24 profession.
25

26 **SECTION. 12. *Accreditation of Harbor Pilots.*** - All harbor pilots, before
27 practicing the profession, must get an accreditation from the Pilotage Committee.
28 The Pilotage Committee shall accredit only a limited number of harbor pilots per
29 district or port for efficiency purposes. The accreditation will not result to an
30 employer-employee relationship between the Authority and the harbor pilot-
31 applicant. The Pilotage Committee may appoint a duly accredited harbor pilot for a
32 particular port or district on a temporary basis in the absence of a qualified applicant
33 for said area. The appointee must be in the list of duly licensed harbor pilots of the
34 Pilotage Committee and familiar with the area concerned. The temporary
35 appointments shall be valid while the exigency subsists and shall be automatically
36 terminated upon the accreditation of a qualified harbor pilot.
37

38 **SECTION 13. *Establishment and Accreditation of a Pilotage Organization.***
39 - The Pilotage Committee shall encourage harbor pilots to organize themselves into
40 a corporation, partnership or cooperative. Said organizations must be duly
41 registered with either the SEC or the CDA. The Pilotage Committee shall only issue
42 accreditation certificates to qualified harbor pilot organizations. The permit to
43 operate a particular pilotage district may only be granted upon proof of financial,
44 technical and administrative capabilities of the applicant pilotage organization.
45

1 The Authority may appoint other duly accredited harbor pilotage
2 organizations to temporarily take-over the services of a suspended pilotage
3 organization in the event of the latter's failure or refusal to perform its functions and
4 render pilotage service within its service area. Such temporary appointment shall
5 continue until upon the resumption of the pilotage services following the lifting of
6 the suspension of the pilotage organization concerned.

7
8 **SECTION 14. *Record.*** - Harbor pilots or harbor pilot organizations shall keep
9 a record of his or its operations and financial transactions and such other records or
10 reports pertaining to pilotage service operations. Such records shall be made open to
11 member-pilots and concerned government agencies for inspection and examination.

12
13 **SECTION 15. *Operating Capital, Equipment and Facilities.*** - To effectively and
14 efficiently render pilotage services, individual pilot and pilot organizations shall
15 make available such operating capital equipment or facilities as may be required by
16 the Pilotage Committee.

17
18 **SECTION 16. *Pilotage Safety Development Trust Fund (PSDTF).*** - There is
19 hereby established a Trust Fund to be known as the Pilotage Safety Development
20 Trust Fund (PSDTF), to be administered by the Pilotage Committee concerned in
21 accordance with existing government accounting and auditing rules and regulations.

22
23 An amount equivalent to five percent (5%) of the gross amount of pilotage
24 fees paid to the harbor pilots for rendering pilotage services shall be collected to
25 establish the PSDTF. The Trust Fund shall be deposited as trust receipts in the
26 National Treasury and shall be disbursed and utilized for the following purposes:

27
28 (a) Installation and/or upgrading of pilotage equipment and facilities to
29 conform with international safety standards for navigation;

30
31 (b) Developmental loans for the acquisition of capital equipment necessary to
32 render pilotage services in the respective harbor pilotage districts;

33
34 (c) Such other projects for the promotion and development of maritime safety
35 involving pilotage services as well as for the protection of marine environment; and

36
37 (d) Administrative expenses of the Pilotage Committee.

38
39 Except for the payment of *per diems*, the Trust Fund shall not be used to fund
40 other personal services expenditures and acquisition of motor vehicles.

41
42 The pilotage committees shall render a quarterly report to the Secretary of the
43 DOTC of the status of the PSDTF, including the detailed disbursements therefrom.

44

1 No disbursements from the PSDTF shall be made unless in accordance with
2 the program of work and expenditures duly approved by the Pilotage Committee
3 concerned.
4

5 Except as provided in the immediately succeeding section, no other charges
6 or imposition by way of government share shall be levied on the gross income of
7 harbor pilots derived from rendering pilotage services and in the exercise of their
8 profession as harbor pilots.
9

10 **SECTION 17. *Government Share in Pilotage Service.*** - The Secretary of the
11 DOTC, in consultation with the pilotage committees established under this Act, shall
12 fix the rate of government share on the gross income of harbor pilots derived from
13 rendering pilotage services. Such amount shall be levied by the Authority concerned
14 on such terms and conditions as the Secretary may impose. The rate herein stated
15 shall be reviewed once every five (5) years or earlier when economic circumstances
16 require.
17

18 **SECTION 18. *Grounds for Suspension or Cancellation of Accreditation.*** - The
19 Pilotage Committee may cancel or suspend the accreditation of harbor pilots and
20 pilot organizations on the following grounds:
21

22 (a) Refusal or failure to render effective and efficient pilotage service;
23

24 (b) Failure or refusal to observe and comply with safety standards and port
25 policies;
26

27 (c) Gross incompetence, which resulted to loss of cargoes, loss of lives and
28 destruction of vessel and harbor properties;
29

30 (d) Implementation of rates and fees without the approval of the Committee;
31

32 (e) Involvement or participation in illegal activities such as smuggling and
33 trafficking passengers;
34

35 (f) Refusal to cooperate and submit to an audit called for by the Authority or
36 other government agency in relation to his or its pilotage operations, as the case may
37 be;
38

39 (g) Failure or refusal to post the required performance bond and other related
40 fees;
41

42 (h) Failure or refusal to remit the government share in the pilotage fees;
43

44 (i) Failure to maintain the required capitalization requirement, equipment and
45 facilities that may require in connection with its accreditation;
46

1 (j) Failure to comply with the substantive requirements of the Pilotage
2 Committee;

3
4 (k) Failure or refusal to post the required indemnity insurance;

5
6 (l) Intoxication and use of prohibited drugs during the performance of one's
7 duties as a harbor pilot;

8
9 (m) Use and submission of any false or forged documents for the purpose of
10 obtaining the Harbor Pilot License or appointment;

11
12 (n) Acts prejudicial to the Professional Code of Conduct for harbor pilots.

13
14 (o) Physical or mental impediment to render pilotage services as may be
15 determined by a physician accredited by the Department of Health; or

16
17 (p) Failure to comply with any of the provisions of this Act and its
18 implementing rules and regulations (IRR).

19
20 **SECTION 19. Responsibility of the Owner, Agent or Master of a Vessel.** - The
21 owner, agent or master of a vessel shall only employ duly licensed and accredited
22 harbor pilots to render pilotage services in a particular district or port. A person
23 acting in violation of this section shall be fined in such amount as may be prescribed
24 by the Pilotage Committee. For this purpose, the Pilotage Committee shall publish
25 the list of accredited harbor pilots and their respective jurisdictions in such manner
26 as to ensure that every owner, agent or master of a vessel is properly informed.

27
28 **SECTION 20. Limitation of Pilot's Liability.** - A harbor pilot licensed to act as
29 such by the Pilotage Committee and authorized to provide pilotage services in the
30 different harbor pilotage districts shall not be liable for damages in excess of the
31 amount of Five hundred thousand pesos (P500,000.00) for damages or loss
32 occasioned by a pilot's errors, omissions, fault or neglect in the performance of
33 pilotage services, except as may arise by reason of one's willful misconduct or gross
34 negligence.

35
36 Each harbor pilot shall post an indemnity insurance bond from the
37 Government Service Insurance System (GSIS) or from such reputable insurance
38 company acceptable to the Pilotage Committee, to cover the limit of the liability or
39 for such amount as may be required by the Pilotage Committee. The harbor pilot
40 shall be free from responsibility for damage, injury or death arising from the
41 negligence of the master and crew of the vessel under pilotage, unseaworthiness of
42 the vessel, breakdown of its machineries and equipment, *force majeure* or fortuitous
43 event.

44
45 Upon actual boarding a vessel to provide pilotage services, that pilot becomes
46 a servant of the vessel and its owner and operator. Nothing in this section exempts

1 the vessel, its owner or its operator from liability for damage or loss occasioned by
2 that ship to a person or property on the ground that:

3
4 (a) the ship was piloted by a duly licensed pilot; or

5
6 (b) the damage or loss was occasioned by the error, omission, fault or neglect
7 of a pilot duly licensed by the Pilotage Committee. The harbor pilot on board a
8 vessel under pilotage service shall serve as adviser of the master during and at the
9 time of his engagement in the conduct and maneuver of the vessel. The master of the
10 vessel, its owner and agents are not relieved of responsibility for any loss or damage
11 caused by or to the vessel even while the vessel is under compulsory pilotage.

12
13 **SECTION 21. *Penal Provision.*** - A fine of not less than Twenty thousand pesos
14 (P20,000.00) nor more than Two hundred thousand pesos (P200,000.00) or
15 imprisonment for a period of not less than one (1) year nor more than six (6) years or
16 both such fine and imprisonment, at the discretion of the court, shall be imposed
17 upon:

18
19 (a) Any person who shall render pilotage services without license and
20 appointment by the Pilotage Committee;

21
22 (b) Any person who represents one's self as a harbor pilot for a particular
23 pilotage district without being a member of the pilotage organization for the said
24 particular harbor pilotage district;

25
26 (c) Any person who shall give any false or forged documents for the purpose
27 of obtaining the harbor pilot license or appointment;

28
29 (d) Any person who shall use an expired, revoked or suspended harbor pilot
30 license or appointment to perform pilotage services; and

31
32 (e) Any person who shall assume, use or advertise the title of a harbor pilot
33 under one's name, or any description to convey the impression that he is an active
34 and duly licensed harbor pilot without holding a valid harbor pilot license and
35 appointment issued by the Pilotage Committee.

36
37 **SECTION 22. *Issuance of New Accreditation to Incumbent Harbor Pilots.*** -
38 Incumbent pilots in all pilotage districts shall be issued new accreditations in
39 accordance with the provisions of this Act. In no case shall said new accreditations
40 exceed the compulsory retirement age for harbor pilots as provided for in this Act.

41
42 **SECTION 23. *Transitory Provisions.*** - Harbor pilots duly authorized by the
43 Authority to render pilotage services prior to the effectivity and implementation of
44 this Act shall continue to exercise their profession and be given a period of two (2)
45 years to comply with the qualification requirements under this Act. They shall be

1 given preference over new applicants as long as they have substantially complied
2 with the requirements stated in this Act.

3 The prevailing rates upon the approval of this Act shall be charged for pilotage
4 services until a new set of rates are imposed by the pilotage committees following
5 the effectivity of this Act.

6
7 **SECTION 24. *Implementing Rules and Regulations (IRR).*** - The DOTC as lead
8 agency, in coordination with the Maritime Industry Authority, the PPA, the port
9 authorities of economic zones, the port authorities of autonomous regions and other
10 chartered port authorities, shall promulgate the IRR of this Act within a period of
11 three (3) months from the date of effectivity of this Act.

12
13 **SECTION 25. *Separability Clause.*** - If any part or provision of this Act is
14 declared as unconstitutional or invalid by a court of competent authority, the
15 remaining provisions which are not affected thereby shall continue to be in full force
16 and effect.

17
18 **SECTION 26. *Repealing Clause.*** - Executive Order No. 1088 dated February 3,
19 1986 is hereby repealed. Other laws, decrees, issuances, rules and regulations or any
20 part thereof which are inconsistent with or contrary to the provisions of this Act are
21 hereby repealed or modified accordingly.

22
23 **SECTION 27. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days
24 after its complete publication in the *Official Gazette* or in two (2) newspapers of
25 general circulation.

26
27
28 Approved,