

MEMORANDUM OF UNDERSTANDING

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1. Delegations representing the Government of the Republic of the Philippines and the Government of Malaysia met in Clark, Pampanga on 29 - 30 October 2008 to discuss matters relating to the Air Services Agreement between the two countries, signed on 12th day of April 1978 in Manila.

2. The Philippine Delegation was headed by Undersecretary Doroteo A. Reyes II; Chairman RP Air Negotiating Panel and the Malaysia Delegation was headed by Dato' Long See Wool of the Malaysian Ministry of Transport. The lists of the two delegations are attached as ATTACHMENT I

3. The meeting was conducted in a most cordial and friendly atmosphere reflecting the good relationship existing between the two countries. As a result, both delegations reached the following agreement:

3.1 Designation

Both delegations agreed to amend paragraph 1 of Article 3 of the Air Services Agreement to allow multiple airline designation. The new paragraph shall be as follows:

"Each Contracting Party shall have the right to designate in writing to the other Contracting Party two or more airlines for the purpose of operating the agreed services on the specified routes."

3.2 Route Schedule

Both delegations agreed on a new Route Schedule attached as ATTACHMENT II.

3.3 Capacity

Both delegations agreed to the following capacity for the specified routes:

Passenger Services

1. Clark- Points in Malaysia v.v.

With immediate effect, a maximum of 9,000 seats per week

2. Manila-Points in Malaysia v.v.

a. Manila to Kuala Lumpur v.v.

With immediate effect, a maximum of 2,300 seats per week

b. Manila to Points in Malaysia except Kuala Lumpur

With immediate effect, a maximum of 2,000 seats per week

3. Points in the Philippines except Manila and Clark - Points in Malaysia v.v.

With immediate effect, a maximum of 5,000 seats per week

All-cargo services

1. Manila - Points in Malaysia v.v.

With immediate effect, a maximum of 250 tons per week

2. Points in the Philippines except Clark and Manila - Points in Malaysia
v.v. With immediate effect, a maximum of 450 tons per week

3. Clark - Points in Malaysia v.v.
With immediate effect, a maximum of 700 tons per week

4. Application

This Memorandum of Understanding shall replace the relevant parts of the Air Services Agreement between the Government of the Republic of the Philippines and the Government of Malaysia signed on 12 April 1978 and the CMOUs respectively signed on 26 February 1994 and 29 November 1996. This MOU shall enter into force upon ratification by the Philippine authorities pursuant to its internal procedures. Pending such ratification, this MOU shall be given provisional effect on the date of signature in accordance with Article XIV of the Agreement.

Done on 30th of October 2008 in Clark Freeport Zone, Pampaaga, Philippines.

For the delegation of the Government of
The Republic of the Philippines

For the delegation of the Government
of Malaysia

(Sgd.) DOROTEO A. REYES II

(Sgd.) DATO LONG SEE WOOL

Chairman, Philippine Delegate
For the delegation of the Government
of Malaysia

Chairman, Malaysian Delegation

ATTACHMENT I

PHILIPPINE DELEGATION

Chairman - Undersecretary Doroteo A. Reyes II
Department of Transportation and
Communications

- Executive Director Carmelo L. Arcilla
Civil Aeronautics Board

Members

- Atty. Giovanni Palec
Department of Foreign Affairs

- Director Evelyn R. Cajigal
Department of Tourism

- Mr. Jose Victor Luciano
Clark International Airport Corporation

- Ms. Ma Socorro R. Gonzaga
Philippine Airlines Inc.

- Ms. Ma. Inez F. Jose
Cebu Pacific Air

- Ms. Patria T. Chiong
Air Philippines Corporation

- Mr. Reynaldo Rodriguez
Zest Air

- Mr. Marlon Tangco
Pacific East Asia Corporation

Advisers - Board Member Renato V. Diaz
Civil Aeronautics Board

- Mr. Porvenir P. Porciimcula
Civil Aeronautics Board

- Mr. Alexander S. Caguiran
Clark International Airport Corporation

- Atty. Reynaldo L. Ching
Department of Tourism

- Atty. Enrique Esquivel
Philippine Airlines Inc.

- Atty. Paterno Mantaring
Cebu Pacific Air

- Atty. Cecilio De La Cruz
Air Philippines Corporation

- Atty. John Voltaire Aimesa
Air Philippines Corporation

ATTACHMENT I
MALAYSIAN DELEGATION

Chairman - Dato' Long See Wool
Deputy Secretary General (Planning)
Ministry of Transport Malaysia

Members - Rosida Ismail
Assistant Secretary (Air Transport)
Ministry of Transport Malaysia

- Intan Zurina Dollah
Second Secretary (Political and Economic)
Embassy of Malaysia

- Suresh Singam Assistant
General Manager
Government & Industry Relations
Malaysia Airlines

- Mustaffa Kamal
Area Manager - Philippines
Malaysia Airlines

- Hanniza Borhan
Controller, Government & Industry Relations
Malaysia Airlines

- Senthil Balan Danapalan
Head, Network Planning
Air Asia

- Oh Yin Bee, Patricia

Assistant Manager, Airlines Business &
Planning
Transmile Air

ATTACHMENT II

ROUTE SCHEDULE

A. PASSENGER SERVICES

Route to be operated by the designated airline / airlines of the Republic of the Philippines in both directions:

Point of Origin

Point of Destination

1. Clark

Points in Malaysia

2 a. Manila

Kuala Lumpur

b. Manila

Points in Malaysia (except Kuala Lumpur)

3 Points in the Philippines (except Manila and Clark)

Points in Malaysia

Route to be operated by the designated airline / airlines of the Government of Malaysia in both directions:

Point of Origin

Point of Destination

1. Points in Malaysia

Clark

2 a. Kuala Lumpur

Manila

2 b. Points in Malaysia

(except Kuala Lumpur) Manila

3. Points in Malaysia Points in the Philippines

(except Manila and Clark)

ATTACHMENT II

ROUTE SCHEDULE

B. ALL - CARGO SERVICES

Route to be operated by the designated airline / airlines of the Republic of the Philippines in both directions:

Point of Origin

Point of Destination

a. Manila

Points in Malaysia

b. Points in the Philippines except Clark and Manila

Points in Malaysia

c. Clark

Points in Malaysia

Route to be operated by the designated airline / airlines of the Government of Malaysia in both directions:

Point of Origin

Point of Destination

a. Points in Malaysia

Manila

b. Points in Malaysia Points in the Philippines except

Clark and Manila

c. Points in Malaysia

Clark

For The President

MEMORANDUM

THROUGH : The Executive Secretary

FROM : The Secretary of Foreign Affairs

SUBJECT : Memorandum of Understanding on Air Services
between the Government of the Republic of the
Philippines and the Government of Malaysia

DATE : 30 January 2009

The Memorandum of Understanding on Air Services between the Government of the Republic of the Philippines and the Government of Malaysia was signed on 30 October 2008 in Clark Field, Pampanga.

The Memorandum of Understanding, consisting of four (4) sections, amends paragraph 1 of Article 3 of the Air Services Agreement between the Government of Republic of the Philippines and the Government of Malaysia, which was signed on 12 April 1978, to allow multiple airline designation.

Under the Memorandum of Understanding, "each Contracting Party shall have the right to designate in writing to the other Contracting Party two or more airlines for the purpose of operating the agreed services on the specified routes."

Article 4 of the Memorandum of Understanding provides that it shall enter into force upon ratification by the Philippine authorities pursuant to its internal procedures.

The Department of Tourism (DOT) and the Civil Aeronautics Board (CAB) have been consulted and have concurred with ratification of the Memorandum of Understanding.

The Memorandum of Understanding is not one of the agreements envisioned under Articles VII, Section 21 -of the Philippines Constitution as requiring Senate Concurrence.

The draft Instrument of Ratification and copies of the Memorandum of Understanding on Air Services Agreement are respectfully enclosed.

For the President's consideration.

ALBERTO G. ROMULO

MALACANANG MANILA

INSTRUMENT OF RATIFICATION

TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

KNOW YE, that the Memorandum of Understanding on Air Services between the Government of the Republic of the Philippines and the Government of Malaysia was signed on 30 October 2008 in Clark Field, Pampanga;

WHEREAS, the Memorandum of Understanding on Air Services, consisting of four (4) sections, amends paragraph 1 of Article 3 of the Air Services Agreement between the Government of the Republic of the Philippines and the Government of Malaysia, which was signed on 12 April 1978, to allow multiple airline designation;

WHEREAS, under the Memorandum of Understanding on Air Services "each Contracting Party shall have the right to designate in writing to the other Contracting Party two or more airlines for the purpose of operating the agreed services on the specified routes".

WHEREAS, Article 4 of the Memorandum of Understanding on Air Services provides that it shall enter into force upon ratification by the Philippine authorities pursuant to its internal procedures.

NOW, THEREFORE, be it known that I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, after having seen and considered the aforementioned Memorandum of Understanding on Air Services Between the Government of the Republic of the Philippines and the Government of Malaysia, do hereby ratify and confirm the same and each and every article and clause thereof.

IN TESTIMONY HEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

GIVEN under my hand at the City of Manila, this day of in the year of our Lord two thousand and nine.

BY THE PRESIDENT:

ALBERTO G. ROMULO
Secretary of Foreign Affairs

CERTIFICATION

I HEREBY CERTIFY that the attached documents are true and correct copies of the official text of the Memorandum of Understanding on Air Services between the Government of the Republic of the Philippines and the Government of Malaysia,

IN WITNESS HEREOF, I, ALBERTO G. ROMULO, Secretary of Foreign Affairs, have caused the seal of the Department of Foreign Affairs to be affixed and my name subscribed to before the Acting Assistant Secretary of Legal Affairs of the Department, in Pasay City this day of 2009.

ALBERTO G. ROMULO

Secretary of Foreign Affairs

SUBSCRIBED AND SWORN to before me this _____ day of _____ 2009 by the Honorable ALBERTO G. ROMULO, Secretary of Foreign Affairs.

(Sgd.) JESUS KYABES

Acting Assistant Secretary

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