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APPROVING THE CAAP SCHEDULE OF FEES FOR AIR NAVIGATION SERVICES

CAAP BOARD RESOLUTION NO. 2011-023, April 11, 2011

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WHEREAS, Section 15 of Republic Act No. 9497 provides that “the Authority shall enjoy fiscal autonomy. All moneys earned by the Authority from the collection/levy of any and all such fees, charges, dues, assessments and fines it is empowered to collect/levy under this Act shall be used solely to fund the operations of the Authority;

WHEREAS, Section 17 of Republic Act 9497 on Schedule of Fees and Charges also provides that “the Authority shall adopt and publish its schedule of fees and charges. The authority shall hold such public hearings or consultative meetings with stakeholders in the industry before adopting its schedule of fees and charges. The Authority shall not revise its schedule of fees and fines more often than one every three (3) years;

WHEREAS, the latest amendment as regards the schedule of fees and charges was made and or introduced was back in 1999 at the time of the then Air Transportation Office;

WHEREAS, in its 15th CAAP Board Regular Meeting, this Board approved the request of the Director General to initiate amendments and or revision of CAAP imposed fees and charges, to include the air navigation fees and charges;

WHEREAS, on December 2009, the CAAP Committee on Fees and Charges conducted a public hearing and consultation on the new schedule of fees and charges for the air navigation services, and submitted its final recommendation;

WHEREAS, the Board finds the new schedule of fees and charges for air navigation charges reasonable and fair, and appropriately addressed CAAP’s cost of investment and regulations charges;

WHEREFORE, RESOLVE, as it is hereby RESOLVED, that the new schedule of fees and charges for air navigation services, as attached under CAAP Administrative Circular No. 03-11 Series of 2011 is hereby APPROVED and shall immediately be valid and effective upon completion of the requisite publication and a copy filed with the University of the Philippines Law Center-Office of the National Administrative Register (UPLC-ONAR).

FURTHER, RESOLVE, as it is hereby RESOLVED, that the Director General. CAAP, is authorized to sign said CAAP Administrative Circular on New Schedule of Fees and Charges for Air Navigation.

Adopted: 11 April 2011

(SGD.) HON. RAMON S. GUTIERREZ

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(SGD.) HON. ALBERT F. DEL ROSARIO

Vice-Chairman/Director-General, CAAP

Secretary, Department of Foreign Affairs

(SGD.) HON. CESAR V. PURISIMA

(SGD.) HON. ROSALINDA D. BALDOZ

Secretary, Department of Finance

Secretary, DOLE

(SGD.) HON. ALBERTO A. LIM

Secretary, Department of Tourism

Attachment:

Civil Aviation Authority of the Philippines
Circular No. 03-11, Series of 2011

WHEREAS, the Civil Aviation Authority Act of 2008 (Republic Act Number 9497) which took effect on 23 March 2008, vested the Civil Aviation Authority of the Philippines (CAAP) Board of Directors with quasi-legislative and quasi-judicial powers over civil aviation matters;

WHEREAS, there is a need to consolidate all civil aviation policies and guidelines specifically on matters pertaining to fees and charges;

WHEREAS, pursuant to the mandate of R.A. 9497, there is a need to promulgate an updated CAAP Schedule of Fees and Charges on air navigation services;

WHEREFORE, premises considered, the CAP Board of Directors hereby promulgate the following rules and guidelines:

CAAP Schedule of Fees and Charges for Air Navigation Services

PARTI: DEFINITIONS

Sec. 1. The following terminologies shall be construed to mean as follows:

- Aeronautical Fixed Service (AFS) – A telecommunication service between specified fixed points provided primarily for the safety of air navigation and for the regular, efficient and economical operation of air services.

- Aeronautical Fixed Telecommunication Network (AFTN) – A worldwide system of aeronautical fixed circuits provided as part of the Aeronautical Fixed Service for the exchange of messages and/or digital data between aeronautical fixed stations having the same or compatible communications characteristics.

- Aeronautical Mobile Service (AMS) – A telecommunication service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft stations may participate; emergency position indicating radio beacon stations may also participate in this service on designated distress and emergency frequencies, alerting service, air traffic advisory service, air traffic control service (area control service, approach control service or airport control service).

- Approved Training Organization (ATO) – Organizations formed under the laws of the Republic of the

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Philippines with the corresponding certification or approval for operation by the Director General of Civil Aviation Authority of the Philippines to engage in civil aviation trainings to include aviation schools, civil aviation training organizations and commercial airlines authorized to engage in civil aviation training activities.

- Class "B" Messages – Reservation and General Aircraft Operating Agency Messages. These message categories are described in CAAP Civil Aviation Regulations – Air Navigation Services (CAR-ANS) "Aeronautical Telecommunications" Annex 10, Volume II, Paragraph 4.4.1.1.8 and 4.4.1.1.9.

- General Aviation Operation – An aircraft operation other than a commercial air transport operation or an aerial work operation.

- Flight Information Region (FIR) – An airspace of defined dimension within which flight information service and alerting service are provided.

- Overfly Flights – Means aircraft on flight entering and leaving the Manila Flight Information Region (FIR) without landing in the Republic of the Philippines.

- Touch and Go – An operation by an aircraft that lands on and departs from a runway without stopping or exiting the runway.

PART II: GENERAL PROVISIONS

Sec. 1. Applicability – The charges prescribed herein shall be applicable to aircraft on international, domestic and general aviation operations flying into and out of airports in the Republic of the Philippines, and aircraft overflying the Manila Flight Information Region, without landing at any Philippine airport, for the use of air navigation facilities provided at these airports and/or associated enroute points.

Fees and Charges promulgated pursuant to International Treaty Agreements entered into by the Republic of the Philippines shall be respected.

Sec. 2. Exemptions – Unless otherwise specifically provided, the payment of fees and charges prescribed herein shall not apply to the following:

- Aircraft registered in the name of and operated by the Republic of the Philippines;

- Aircraft exclusively used by head of states and diplomatic and consular representatives of foreign governments, (Civil registered aircrafts other than state-owned aircraft, which are chartered or hired by or for representatives or personnel of foreign governments are not exempted by this provision);

- Aircraft engaged in non-commercial activities, mercy and humanitarian missions, or government-sponsored missions, subject to the approval of the Director General;

- Aircraft which by provision of existing laws or treaties, is exempted from payments of fees and other charges;

- Military aircraft of foreign government where such governments provide similar exemptions to military aircraft of the Republic of the Philippines;

- Aircraft diverted from its planned route or forced to return to the airport of departure due to emergency as certified by the Aircraft Accident and Incident Investigation Board (AAIIB).

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PART III: OPERATIONAL CHARGES

Sec. 1. Basis – Operational charges for the use of the enroute and airport/terminal navigation facilities and services provided as required by the International Civil Aviation Organization (ICAO) exclusive of telecommunication services for Class "B" messages of the aeronautical fixed services, shall be based on each arrival, departure or overflight.

For purposes of this Section, one flight shall mean from one point of departure to one point of arrival.

Sec. 2. Overflight – A charge in U.S. Dollar or its Peso equivalent at the time of payment based on the derived formula for calculating Air Navigation Charges (ANC) which is equal to the Distance (D) flown by an aircraft in kilometer divided by one hundred (100) and multiplied by its weight factor (W).

ANC (U.S. $) = D/100 x W

The weight factor (W) was determined to have the following values:

MTOW	Weight Factor (W)
More than 300 tonnes	43
200 – 300 tonnes	36
100 – 200 tonnes	28
50 – 100 tonnes	20
20 – 50 tonnes	14
Less than 20 tonnes	7

Sec. 3. Departing or Arriving International Flight – For each departing or arriving flight at any Philippine airport, a charge in U.S. Dollar or its Peso equivalent at the time of payment as computed based on the derived formula of Sec. 2 of this part.

Sec. 4. Domestic Commercial (Scheduled/Non-Scheduled) and Domestic General Aviation Flights – For each flight at any airport in the Philippines, a charge equivalent to one half (1/2) of the charge computed based on the derived formula of Sec. 2 of this part shall be imposed. Unless otherwise provided, charges for Domestic Commercial (Scheduled/Non-scheduled) and Domestic General Aviation Flights, however, shall not be less than Four Hundred Pesos (Php400.00).

For purposes of this Section, one flight shall mean from one point of departure to one point of arrival.

Sec. 5. Approved Training Organizations – For each training flight in any airport in the Philippines, except herein provided, an Air Navigational Charge (ANC), equivalent to not less than Two Hundred Fifty Pesos (Php250.00) shall be charged, and the following are hereby imposed:

- For purposes of this Section, single Flight Plan means one (1) take-off and landing at the same airport, and may include the following:

- Four (4) sets of Touch and Go – a condition wherein the Approved Training Organization, as manifested in a single Flight Plan, conducts a maximum of four (4) sets of Touch and Go.

- Expanded Touch and Go – a condition wherein:

- Upon landing, the Pilot and Co-Pilot, as the case may be, without disembarking from the aircraft and turning-off the engine, immediately manifests his intention to the Air Traffic Service of departing or taking-off provided that the waiting time shall not exceed fifteen (15) minutes upon touchdown; and

- The Expanded Touch and Go can be utilized only two times per Flight Plan.

- An additional fee in the amount of one hundred pesos (Php100.00) shall be charged per Touch and Go or Expanded Touch and Go covered by a single Flight Plan as defined under Sec. 5.a, items 1 and 2.

Sample Computation:

1 Flight Plan (with four [4] Touch & Go

=

ANC + (Php100.00 x no. of Touch and Go and Expanded Touch & Go)

and Two [2] Expanded Touch & Go)

=

Php250.00 + (Php100.00 x 6)

=

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Php250.00 + Php600.00

=

Php850.00

1 Flight Plan (with six [6] Touch & Go

=

ANC (2) + (Php100.00 x no. of Touch and Go and Expanded Touch and Go)

and Two (2) Expanded Touch & Go)

=

Php500.00 + (Php100.00 x 8)

=

Php500.00 + Php800.00

=

Php1,300.00

Note: This is in contravention of Part III, Sec. 5a.1 provision of this MC, wherein, a single Flight Plan must only have a maximum of four (4) Touch and Go

- The aircraft used is RP registered as training aircraft and light single engine.

- For Rotary Training Aircraft, a single flight plan should not exceed one (1) hour reckoned from the time of departure to the time of arrival.

- For CAAP Airports with no Air Traffic Services, Approved Training Organization shall be responsible to fill-up Abbreviated Flight Plan with the Airport Caretaker and likewise advise the nearest Air Traffic Service of their intention.

A fee in the amount of two hundred pesos (Php200.00) shall be imposed for Air Navigational Charge and an additional one hundred pesos (Php100.00) shall be charged per Touch and Go or Expanded Touch and Go.

Sample computation:

1 Flight Plan (with four [4] Touch & Go

=

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ANC + (Php100.00 x no. of Go and Expanded Touch & Go)

Touch and Two [2] Expanded Touch & Go)

=

Php200.00 + (Php100.00 x 6)

=

Php200.00 + Php600.00

=

Php800.00

1 Flight Plan (with six [6] Touch & Go

=

ANC (2) + (Php100.00 x no. of Touch and Go and Expanded Touch and Go)

Two (2) Expanded Touch & Go)

=

Php400.00 + (Php100.00 x 8)

=

Php400.00 + Php800.00

=

Php1,200.00

Note: This is in contravention of Part III, Sec. 5a.1 provision of this MC, wherein, a single Flight Plan must only have a maximum of four (4) Touch and Go

- The point of departure and point of arrival is the same.

- If the above-mentioned provisions are not applicable, such as maintenance flights, re-currency, flights Part III, Section 4 shall apply.

PART. IV: TELECOMMUNICATION CHARGES

Class “B” Messages – A charge is made for the transmission of Class “B” Messages, whether locally originated passing thru the Manila AFTN Communication Center, to addressee in the foreign countries linked with the Philippines by the AFTN provided such countries accept this type of messages on their communication system. The charge shall be P50.00 for each line of 69 characters in the text and signature, to each transmission required to effect delivery to the addressee(s) in the message. For each line of less than 69 characters, the charge shall be in accordance with the following rates:

a) From 52 to 68 characters Php60.34

b) From 35 to 51 characters Php39.70

c) From 18 to 34 characters Php19.06

d) Less than 18 charcters Php9.53

PART V: OTHER FEES AND CHARGES

The fees and charges prescribed herein shall not prejudice the right of the Civil Aviation Authority of the Philippines to impose and collect such other reasonable charges as may be determined by the Director General of CAAP for the use of such other air navigation facilities and services not covered herein.

PART VI. PAYMENT

For scheduled flights, regular flights and other domestic flights, the fees and charges prescribed herein shall be payable within ten (10) working days upon receipt of the bill.

For transient and non-scheduled international flights, fees and charges prescribed herein shall be payable upon filing of flight plan.

Credit Agreements may be entered into with the CAAP for this purpose.

PART VII: EFFECTS OF NON-PAYMENT

The failure of any person, firm or corporation to pay the charges herein prescribed shall be a ground for collection suit, without prejudice to administrative action.

PART VIII: SEPARABILITY CLAUSE

If any provision of this Circular is declared unconstitutional or illegal, the remaining provisions shall remain valid and effective.

PART IX: REPEALING CLAUSE

The Department of Transportation and Communications (DOTC) Order No. 99-E-002, which took effect on 01 January 1999 and amended Department Order No. 98-1190 and 98-1177, are hereby revoked.

All previous orders, rules and regulations or part thereof, which are inconsistent with any of the provisions herein, are deemed repealed or modified accordingly, except CAAP Circular No. 001-2008 (Revised Schedule of Fees and Charges for New Iloilo and New Silay-bacolod Airport) and DOTC Order No. 2007-25, dated 18 June 2007 (Revised Schedule of Fees and Charges for Davao International Airport)

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PART X: EFFECTIVITY

This shall take effect immediately after single publication in a newspaper of general circulation and a copy filed with the Office of the National Administrative Register of the University of the Philippines (UP) Law Center.

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