

AMENDING EXECUTIVE ORDER (EO) NO. DATED JANUARY 27, 2006, AND PROVIDING FOR THE EXPANSION OF AIR SERVICES TO THE DIOSDADO MACAPAGAL INTERNATIONAL AIRPORT (DMIA) AND SUBIC BAY IN...

EXECUTIVE ORDER NO. 500-A, August 22, 2006

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WHEREAS, there is a need to amend certain provisions of Executive Order (EO) No. 500, dated 27 January 2006 in order to reflect accurately its legislative authority and to clearly delineate its territorial or jurisdictional coverage, type of services contemplated and the pre-conditions and requirements for its availability to foreign carriers;

WHEREAS, despite the urgency of putting in place all the components needed to fast-track the development of Diosdado Macapagal International Airport (DMIA) and the Subic Bay International Airport (DMIA), it is also equally important for the purpose of this objective to adopt more realistic timelines and proper phasing of activities;

NOW, THEREFORE, I GLORIA MACPAGAL-ARROYO, President of the republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The first "WHEREAS" paragraph of EO No. 500, supra, is hereby amended to read as follows:

"WHEREAS, Section 2 of Republic Act (RA) No. 7227, as amended, declared the policy of the Government to accelerate the sound and balanced conversion into alternative productive uses of the Clark and Subic military reservations and their extensions"

Section 2. The fourth "WHEREAS" clause of aforesaid E.O. No. 500, is likewise amended to read as follows:

"WHEREAS, on December 3, 2003, Executive Order No. 253 was issued "providing for the expansion of air services to the Diosdado Macapagal International Airport (DMIA) and Subic Bay International Airport (SBIA);

SEC. 3. Section 2 of EO No. 500 is likewise amended to read as follows:

"SECTION 2. Any provision of Executive Order No. 219 (Series of 1995), Executive Order No. 32, (Series of 2001) and related issuances to the contrary notwithstanding, the Civil Aeronautics Board (CAB) shall process within thirty (30) days from receipt all applications for international passenger transportation services to DMIA and SBIA, in accordance with the CAB's current and applicable rules, regulations and procedures, subject to the following:

- International passenger air access to the DMIA and SBIA is hereby declared as developmental. This authority shall be granted without prejudice to any rights or privilege of the applicant under Philippine law, including any Air Services Agreement (ASA) or similar air services arrangement, subject to the technical requirements for the operation of air services to and DMIA and SBIA;
- All grants of civil aviation entitlements and other forms of air traffic access, both passenger and cargo, or

combination thereof, to and from DMIA and SBIA shall be geared towards the development and enhancement of these airports as new international gateways of the country;

- The requirement of foreign and domestic travelers and shippers of cargo from the Philippines for adequate, efficient and reliable air links at competitive rates, and the increase in passenger and cargo traffic to the Philippines shall be considered as a vital component of national interest in the grant of authority to operate passenger, cargo and/or combination thereof, air services to and from the DMIA and SBIA;
- Foreign air carriers designated by state with an ASA with the Philippines that has been granted the specific right to operate passenger, cargo or combination services to and from DMIA and SBIA, may apply for 3rd and 4th freedom traffic rights to DMIA and SBIA without restriction or limitation on capacity or type of aircraft;
- Upon application of foreign air carriers already designated to DMIA and SBIA by their respective home countries based on existing ASAs, the CAB shall lift the limitation on 3rd and 4th freedoms and on type of aircraft as may be contained in said ASAs, only with respect to their operations to DMIA and SBIA;
- Foreign carriers from state of ASA with the Philippines, but which have not been designated to any Philippine destination or point of entry may avail of the unlimited 3rd and 4th freedom traffic rights of DMIA and SBIA, provided on this Order. However, said foreign airlines shall be officially designated by their respective countries for this purpose, even beyond the provisions on designation provided under existing bilateral or multi-lateral agreements;
- All other forms of air traffic rights that are defined by the international aviation community, listed after the 4th air freedom, except cabotage, maybe subject to application by any foreign carriers. However, such application shall follow all required and existing processes and shall be evaluated by the CAB in the overall context of national interest as provided in R.A. 776 and other relevant or pertinent issuances, taking into consideration its impact on the Philippine carriers and the domestic civil aviation industry;

SEC. 4. Section 4 of E.O. 500 is further amended to read as follows:

"Section 4. The Philippine Air Negotiating Panel is directed to initiate the holding of Air Consultation Talks with Singapore, Malaysia, Thailand and the Republic of Korea within Twenty (20) months of effectivity of this Executive Order to formalize the Special Charter Permits already granted by the CAB into permanent entitlements to ensure the continuity of flights and development of the Clark-Subic area as an international gateway and aviation service and logistics center. The Philippine Air Negotiating Panel may, in compliance with this Order, use any negotiating or diplomatic options to give meaning and positive results to the envisioned objectives of this issuances."

SEC. 5. All orders, circular, memoranda, rules, regulations and other issuances or parts thereof inconsistent herewith are hereby superseded or amended accordingly.

SEC. 6. This Executive Order shall take effect immediately following its publication in a newspaper of general circulation.

Done in the City of Manila this 22nd day of August in the year of our lord, Two Thousand and Six.

(Sgd.) GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.) EDUARDO R. ERMITA
Executive Secretary

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