MEMORANDUM OF UNDERSTANDING BETWEEN THE AERONAUTICAL AUTHORITIES OF THE REPUBLIC OF THE PHILIPPINES AND THE STATE OF KUWAIT

Read online (full-text search, related cases, audio case brief): https://batas.org/library/8b92068a801d/

1.

Delegations representing the Government of the Republic of the Philippines and the Government of the State of Kuwait met in Manila on 16-17 February 2009 to discuss matters relating to the Air Services Agreement between the two countries, signed on 6 1 h day of February 1977.

2.

The Philippine Delegations was headed by Undersecretary Doroteo A. Reyes II, Chairman RP Air Negotiating Panel and the Kuwait Delegation was headed by Mr. Fawaz Al-Farah, President of Civil Aviation. 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, the following understanding has been reached:

3.1

AMENDMENTS OF THE AIR SERVICES AGREEMENT (ASA)

Both delegations agreed on the following:

3.1.1 Multiple designation of Airlines

To replace the texts of paragraph (b) of Article l and paragraph (1) of Article 3 of the ASA with new texts as shown in ATTACHMENT II.

3.1.2 Aviation Safety

To replace the text of Article 12 of the ASA with a new text as shown in ATTACHMENT III

The aeronautical authorities of the two Contracting Parties will endeavor within their power to apply the provisions of these amendments provisionally as from today until they come into force in accordance with the provisions of paragraph (1) of Article 14 of the ASA.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

3.2 DESIGNATION OF AIRLINES

3.2.1

In accordance with the provisions of sub-paragraph 3.l.1 mentioned above, the Government of the State of Kuwait has designated Kuwait Airways Corporation, Jazeera Airways Company, Kuwait National Airways and "Load Air" International Cargo Airline Company to operate the agreed air services on the specified routes and the Government of the Republic of the Philippines has accepted these designations.

3.2.2

In accordance with the provisions of sub-paragraph 3.1.1 mentioned above the Government of the Republic of the Philippines reaffirmed the designation of "Philippine Airlines' to operate the agreed air. services on the specified routes and the Government of the State of Kuwait has accepted the above designation and noted the right of the Philippines to designate additional airlines in the future.

3.3 Frequency and capacity

Both delegations agreed for the designated airline(s) of each Contracting Party to operate the following frequencies with any type of aircraft in each direction for the specified Route Schedule:

3.3.1

Passenger Services

3.3.1.1

frequencies to be operated to/from Man i la shall not exceed eight (8) frequencies per week.

3.3.1.2

frequencies to be operated to/from Clark/Subic shall not exceed fourteen (14) frequencies per week.

3.3.1.3

total frequencies to be operated to/from Cebu, Davao and other points except Manila and Clark/Subic shall not exceed seven (7) frequencies per week.

The designated airline(s) of each Contracting Party shall be entitled to operate the above frequencies with full third, fourth and fifth freedom traffic rights, provided that the exercise of fifth freedom traffic rights shall be in accordance with paragraph 4 of the CMOU dated 12 April 1995. However, no such restriction shall be applied to the exercise of fifth freedom traffic rights to/from Clark/Subic, provided further that the exercise of fifth freedom traffic rights to/from Clark/Subic shall exclude points in the United States of America.

3.3.2

All-cargo services

3.3.2.1 frequencies to be operated to/from Clark/Subic shall not exceed fourteen (14) frequencies per week.

3.3.2.2

total frequencies to be operated to/from Cebu, Davao and other points except Manila and Clark/Subic shall not

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

exceed seven (7) frequencies per week.

The designated airline(s) of each Contracting Party shall be entitled to operate the above frequencies with full third, fourth and fifth freedom traffic rights, provided that the exercise of fifth freedom traffic rights shall in accordance with paragraph 4 of the CMOU dated 12 April 1995. However, no such restriction shall be applied to the exercise of fifth freedom traffic rights to/from Clark/Subic, provided further that the exercise of fifth freedom traffic rights to/from Clark/Subic shall exclude points in the United States of America.

3.3.3

Both delegations agreed that any future increase in the above mentioned frequencies by any designated airline(s) of a Contracting Party shall be subject to code-share arrangements with the designated airline(s) of the other Contracting Party. Such additional frequencies shall not be counted against the frequency entitlements of the first Contracting Party.

3.3.4

Both delegations encourage their designated airlines to promote bilateral commercial cooperation in the operation of the agreed services on the specified routes. When a designated airline of a Contracting Party enters into co-operative marketing arrangements like code-sharing with any designated airline of the other Contracting Party, in operating or holding out the agreed services on the specified routes, all airlines in such arrangements must:

a)

hold the appropriate authority;

b)

meet the requirements normally applied to such arrangements; and

c)

in respect of any ticket sold by it, make it clear to the purchaser at the point of sale which airline or or airlines the purchaser is entering into a contractual relationship.

A code-share arrangements shall have the prior approval of the appropriate aeronautical authorities before implementation.

4.

Pursuant to paragraph 5 of Confidential Memorandum of Understanding signed by the two Contracting Parties on 12th April 1995, the Kuwait side requested the Philippine side to follow up the issue on the Avoidance of Double Taxation. The Philippine side promised to follow up this matter with their concerned authorities and inform the Kuwaiti side of any development in this regard as soon as possible.

5.

The two delegations have agreed to hold bilateral air transport talks on a date to be mutually specified no later

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

than December 2009 to reconsider the provisions of paragraph 4 of the CMOU dated 12 April 1995 signed by the two Contracting Parties pertaining only to the restrictions imposed on the exercise of fifth freedom traffic rights.

6.

The provisions of this Memorandum of Understanding shall be implemented with immediate effect and shall replace and supersede the provision of paragraph 3 of the Confidential Memorandum of Understanding signed by the two Contracting Parties on 12th April 1995.

Done on the 17th of February 2009 in Manila, Philippines.

For the delegation of the Government of For the delegation of the Government of

the Republic of the Philippines the State of Kuwait

(SGD.) DOROTEO A. REYES II (SGD.) FAWAZ AL-FARAH

Chairman, Philippine Delegation Chairman, Kuwait Delegation

Entry into Force: April 7, 2009

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.