

REVISED SCHEDULE OF FEES AND CHARGES FOR AIR NAVIGATION FACILITIES (D.O. 99E-002)

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Corollary to Department Order No. 98-1177 dated 03 September 1998 which was amended by Department Order No. 98-1190 dated 18 November 1998, enumerating revision in the Fees and Charges of the Air Transportation Office, the following amendments are hereby adopted for implementation.

PART 1: Definitions

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

- a) Flight Information Region (FIR) — An airspace of defined dimension within which flight information service and alerting service are provided;
- b) 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 designed distress and emergency frequencies;
- c) Overfly Flights — Means aircraft on flight entering and leaving the Manila Flight Information Region (FIR) without landing at any airport in the Republic of the Philippines;
- d) Class “B” Messages — Reservation and General Aircraft Operating Agency Messages. These message categories are described in ICAO Document “Aeronautical Telecommunications” Annex 10, Volume II, Paragraph 4.4.1.1.8 and 4.4.1.1.9;
- e) 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;
- f) 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.

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 the 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 this airport and/or associated enroute points.

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

- a) Aircraft registered in the name of and operated by the Republic of the Philippines;
- b) Aircraft exclusively used by head of states and diplomatic and consular representatives of foreign governments, (Civil registered aircraft 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);

c) Aircraft engaged in non-commercial activities, mercy and humanitarian missions, or government-sponsored missions, subject to the approval of the Assistant Secretary;

d) Aircraft which, by provision of existing laws or treaties, is exempted from payment of fees and other charges;

e) Military aircrafts of foreign governments where such governments provide similar exemptions to military aircraft of the Republic of the Philippines;

f) Aircraft diverted from its planned route or forced to return to the airport of departure, due to emergency.

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). The distance (D) flown for overflights, however, as a basis of computation shall not exceed 1,100 kilometers.

$$\text{ANC(U.S. \$)} = D/100 \times W$$

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 international 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. The distance (D) flown, however, as a basis of computation, shall not exceed 1,100 kilometers.

Sec. 4. Domestic and 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. Charges for Domestic and General Aviation Flights, however, shall not be less than 250.00 Pesos.

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

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 P38.00
- b) From 35 to 51 characters 25.00
- c) From 18 to 34 characters 12.00
- d) Less than 18 characters 6.00

PART V: Other Fees And Charges

The fees and charges prescribed herein shall not prejudice the right of the Air Transportation Office to impose and collect such other reasonable charges as may be determined by the Assistant Secretary for Air Transportation Office for the use of such other air navigation facilities and services not covered herein,

PART VI: Payment

The fees and charges prescribed herein shall be payable upon presentation of the bill or at the close of each calendar month unless credit arrangements satisfactory to the Air Transportation Office have been made in advance.

PART VII: Effects Of Non-Payment

Without prejudice to such action and/or proceedings as may be deemed proper and necessary, the failure of any person, firm or corporation to pay any charges shall be a ground for the denial of the use of facilities and services of the Air Transportation Office.

PART VIII: Limitation Of Liability

The Philippine government or its agent is not liable beyond the amount of the charge made for malfunctioning of any of the equipment of the air navigation facilities nor for any error or delay, or non-delivery of any message accepted for transmission even if the error, delay or non-delivery is caused by the negligence of an employee of the Republic of the Philippines.

PART IX: Repealing Clause

All previous orders, rules and regulations or part thereof, which are inconsistent with any of the provisions herein, are deemed repealed or modified accordingly.

PART X: Effectivity

This shall take effect on January 1, 1999.

(AIC 5/99 Dated 12 February is Hereby Superseded).

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