

By the President of the Philippines

EXECUTIVE ORDER NO. 253

PROVIDING FOR THE EXPANSION OF AIR SERVICES TO THE DIOSDADO MACAPAGAL INTERNATIONAL AIRPORT (DMIA) AND SUBIC BAY INTERNATIONAL AIRPORT (SBIA)

WHEREAS, the liberalization of civil aviation should be accelerated in the Philippines and thereby improve its position vis-à-vis the demands of global competition;

WHEREAS, under Executive Order No. 62 (series of 1993) prescribing the policies and guidelines to implement Republic Act No. 7227 (otherwise known as the Bases Conversion and Development Act of 1992), the Bases Conversion Development Authority (BCDA) was mandated to prepare and implement a comprehensive and detailed development program for (a) the former Clark Air Base as a major civil aviation complex for international passenger and/or cargo and (b) the former Subic Naval Base as a special economic and free-port zone ensuring the free flow of goods and capital in accordance with prescribed rules;

WHEREAS, by authority of Executive Order No. 80 (series of 1993) establishing the Clark Development Corporation, the Board of Directors of the BCDA has promulgated a policy of expanding air services to the DMIA through its development as a major cargo hub for the Asia-Pacific region;

WHEREAS, such development requires the grant or enhancement of certain air traffic rights to and from the DMIA and SBIA;

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

SECTION 1. The government shall accelerate the development of the DMIA and SBIA as a major cargo hub for the Asia-Pacific region.

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 all applications for international air cargo transportation service to the DMIA and SBIA in accordance with the following:



- (a) Air access to the DMIA and SBIA is hereby declared as a development route. Hence, the authority to operate such route may be granted unilaterally without any restriction or limitation on capacity, type of aircraft and non-cabotage traffic rights other than those that may be required by considerations relating to airport security and aviation safety. This authority shall be granted without prejudice to any right or privilege of the applicant under Philippine law, including any Air Services Agreement (ASA) or similar air services arrangement.
- (b) The increase in commercial air cargo access to the DMIA and SBIA shall be regarded as an enhancement of trade and investment opportunities for the Philippines.
- (c) The requirement of exporters of products and services from the Philippines for adequate, efficient and reliable air links at competitive rates with their customers and affiliates abroad shall be considered as a vital component of the national interest in the grant of authority to operate cargo air services to and from the DMIA and SBIA.
- (d) Foreign air carries designated by states with an ASA with the Philippines that already grants such carriers the right to operate air cargo services to and from the DMIA and SBIA may apply for a waiver of any restriction or limitation on capacity, type of aircraft or non-cabotage traffic rights imposed by the relevant ASA on their right to operate such air services. Such waiver shall be granted provided its scope does not extend beyond the commercial and technical requirements for the operation of air services to and from the DMIA and SBIA.

SECTION 3. The Air Transportation Office, the Bureau of Immigration, the Bureau of Customs and other government agencies the government including local government units shall provide the necessary support and facilities for the expansion of air cargo services to the DMIA and SBIA.

SECTION 4. The CAB shall promulgate the Implementing Rules and Regulations of this Order within sixty (60) days from its date of effectivity.

SECTION 5. If any section or part of this Order is declared invalid by a competent court, the remaining sections or parts thereof shall remain valid.

SECTION 6. All other issuances inconsistent with the provisions of this Order are hereby amended, repealed or modified accordingly.



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SECTION 7. This order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

DONE in the City of Manila, this 3rd day of December, in the year of Our Lord Two Thousand and Three.

Gloria Araya



By the President:

Alberto G. Romulo
ALBERTO G. ROMULO
Executive Secretary



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Date