

**[CAB RULES AND REGULATIONS OF EXECUTIVE
ORDER NO. 253, March 04, 2005]**

**IMPLEMENTING RULES AND REGULATIONS OF EXECUTIVE
ORDER NO. 253, PROVIDING FOR THE EXPANSION OF AIR
SERVICES TO THE DIOSDADO MACAPAGAL INTERNATIONAL
AIRPORT (DMIA) AND SUBIC BAY INTERNATIONAL AIRPORT
(SBIA)**

Pursuant to Section 4 of Executive Order No. 253 dated 03 December 2003, the following rules and regulations are hereby adopted:

**RULE 1
GENERAL PROVISIONS**

1.0 THE FOLLOWING RULES AND REGULATIONS SHALL BE KNOWN AND CITED AS THE "IMPLEMENTING RULES AND REGULATIONS OF EXECUTIVE ORDER NO. 253."

1.1 Executive Order No. 253 seeks to further liberalize civil aviation in the Philippines specifically through the grant or enhancement of certain air cargo traffic rights to and from the Diosdado Macapagal International Airport (DMIA) and Subic Bay International Airport (SBIA).

Its provisions are intended to promote the expansion of air cargo services to DMIA AND SBIA. Hence, these Implementing Rules and Regulations ("IRR") are designed to facilitate access to the aforementioned airports and shall not be interpreted, in the case of ambiguity, to restrict such access.

1.2 For purposes of application and construction of these rules, the following terms shall have the meanings and definitions specified hereunder. Moreover, the following definitions shall control the application and construction of these Implementing Rules and Regulations.

1.2.1 "Air Carrier" means a person who undertakes directly or by lease or any other arrangements, to engage in air transportation or air commerce;

1.2.2 "Board" shall refer to the Civil Aeronautics Board;

1.2.3 "International air cargo transportation" means the transportation of cargo and/or mail by air between the Philippines and any place outside it by pure cargo carriers;

1.2.4 "Development route" means a route, destination or gateway which must be fully promoted and supported to enhance its potential as centers of economic growth and activity;

1.2.5 "Capacity" refers to the quantitative measurement of the supply of air transportation service expressed whether in (a) number of flight frequencies, (b) units of weight or space for cargo operations, (c) aircraft types, or (d) a combination of any of the above;

1.2.6 "Non-cabotage traffic rules" cover any right to carry traffic to and from DMIA and SBIA in international air cargo transportation as defined herein except the right to carry traffic from one point in the territory of the Philippines to another point therein;

1.2.7 "Point" is a destination, specified or unspecified, on a route;

1.3 Any other term (not specifically defined hereunder) used in these Implementing Rules and Regulations that is defined in Republic Act No. 776 as amended or the Implementing Rules and Regulations of Executive Order Nos. 219 (series of 1995) and 32 (series of 2001) establishing the domestic and international civil aviation liberalization policy shall be interpreted in accordance with such definition;

RULE II

AUTHORITY TO OPERATE

2.0 PETITION TO ENGAGE IN INTERNATIONAL AIR CARGO TRANSPORTATION TO AND FROM DMIA AND/OR SBIA UNDER EO 253 AND FOR WAIVER OF RESTRICTIONS OR LIMITATIONS ON CAPACITY, TYPE OF AIRCRAFT OR NON-CABOTAGE TRAFFIC RIGHTS

2.1 Foreign cargo carriers with or without authority to operate to and from DMIA and/or SBIA, or with or without existing Air Service Agreements (ASA) shall file a verified petition with the Board for an authority to engage in international air cargo transportation and for waiver of restrictions or limitations on capacity, type of aircraft or non-cabotage traffic rights with respect to its operation to and from DMIA and/or SBIA under the provisions of EO 253, after furnishing all Philippine carriers engaged in international air cargo transportation with copies thereof.

2.2 The petition shall specify the routes to be operated with DMIA and/or SBIA as gateway points, the capacity to be offered on such routes on a weekly basis, the types of aircraft to be operated thereon and start-up dates of such operations. Provided, those with existing, ASA shall include a verified certification that the applicant air cargo carriers opts to operate to and from DMIA and/or SBIA under EO 253 in lieu of