


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SENATE
P.S. Resolution No. **1179**

FILED BY: 

Introduced by Senators Cynthia A. Villar, Aquilino "Koko" Pimentel III, Maria Lourdes Nancy S. Binay, Alan Peter "Compañero" S. Cayetano (Majority Leader), Franklin M. Drilon (Senate President), Ralph G. Recto (Senate President Pro-Tempore), Loren B. Legarda, Sergio R. Osmeña III, Teofisto "TG" L. Guingona III, Vicente "Tito" C. Sotto III, Joseph Victor G. Ejercito, Gregorio B. Honasan II, Manuel "Lito" M. Lapid, Juan Edgardo "Sonny" M. Angara, Paulo Benigno "Bam" Aquino IV, Ferdinand "Bongbong" R. Marcos Jr., Pia S. Cayetano, Antonio "Sonny" F. Trillanes IV, Francis Joseph "Chiz" G. Escudero, and Grace L. Poe

RESOLUTION

STRONGLY URGING THE MANILA INTERNATIONAL AIRPORT AUTHORITY (MIAA) TO RECALL THE MIAA MEMORANDUM CIRCULAR NO. 8, SERIES OF 2014, UNTIL AFTER MIAA AND OTHER CONCERNED GOVERNMENT AGENCIES HAVE FOUND THE APPROPRIATE COMPUTER SYSTEM THAT WILL AUTOMATICALLY EXEMPT THE OVERSEAS FILIPINO WORKERS AS WELL AS OTHER LOCALLY-RECOGNIZED EXEMPT PASSENGERS FROM THE PAYMENT OF THE INTERNATIONAL PASSENGER SERVICE CHARGE (IPSC) OR AIRPORT TERMINAL FEE.

WHEREAS, Article XII, Section 3 of the Philippine Constitution states that, "The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all";

WHEREAS, Section 35 of Republic Act No. 8042, otherwise known as the *Migrant Workers and Overseas Filipinos Act of 1995*, as amended by Republic Act No. 10022, exempts Overseas Filipino Workers (OFWs) from paying travel tax, airport fee or terminal fee, and documentary stamp tax;

WHEREAS, upon the issuance of the MIAA Memorandum Circular No. 8, Series of 2014, which integrates the International Passenger Service Charge (IPSC) into the payment of airline tickets at the point of sale, a public clamor arose primarily on the issue that the provisions of the circular violate Section 35 of Republic Act No. 8042, as amended by Republic Act No. 10022;

WHEREAS, when implemented, MIAA Memorandum Circular No. 8, Series of 2014, does not distinguish between exempt and non-exempt passengers when airline tickets are bought online or abroad, thereby requiring even exempt passengers, especially our OFWs to pay the IPSC;

WHEREAS, acting on the Senate Resolution Nos. 1015 and 986 (by Sen. Aquilino "Koko" Pimentel III and Sen. Maria Lourdes Nancy S. Binay, respectively) filed on the subject, a public hearing, in aid of legislation, was conducted by the Senate Committee on Public Services, Sub-Committee E chaired by Sen. Cynthia A. Villar, on 09 February 2015;

WHEREAS, through an expert opinion, it was established that it is not impossible to adopt a computer system that will allow recognition of the exemption of OFWs or the online verification of documents showing exemption of the OFWs and other locally-recognized exempt passengers;

WHEREAS, through all the discussion, it was shown that the integration of the IPSC into the payment of airline tickets is not urgent and that there would be no loss of profit on the part of the government;

WHEREAS, the Philippine Overseas Employment Administration (POEA), in reiterating its stand that OFWs should not be made to pay the terminal fee even if there is a refund system, expressed that it is willing to share its database of OFWs with the airlines to ease the creation of an automated system to exempt such OFWs and other locally-recognized exempt passengers;

WHEREAS, it was not shown that earnest efforts on the part of MIAA were exerted to come up with a solution allowing OFWs and other locally recognized exempt passengers to claim their exemptions, even when buying their airline tickets through online transactions or abroad;

WHEREAS, it cannot be gainsaid that our OFWs have significantly and continuously contributed to our economy, which is why we have laws protecting their welfare as they often constitute the exploited class;

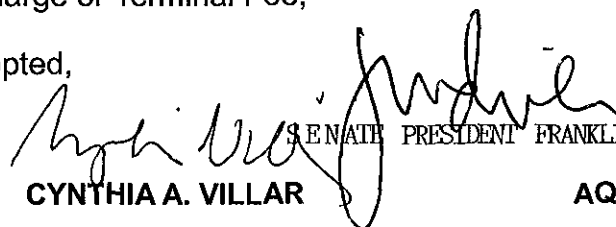
WHEREAS, the effect of the implementation of the MIAA Memorandum Circular No. 8, Series of 2014, only adds to this exploitation when our OFWs, though clearly exempt, are made to pay the terminal fee and a refund scheme does not equate to exemption;

WHEREAS, it was further revealed during the hearing that it is questionable whether there is an existing governing Board Resolution authorizing MIAA Memorandum Circular No. 8, Series of 2014, thereby casting doubt as to its legality;

WHEREAS, in view of the foregoing, the Board of Directors of MIAA, composed of its Chairman, Sec. Joseph Emilio A. Abaya and/or Alternate Chairman Undersecretary Jose Perpetuo M. Lotilla (DOTC), Vice-Chairman and General Manager Jose Angel A. Honrado (MIAA), members Sec. Cesar V. Purisima (DOF) and his alternate Asst. Secretary Edita Z. Tan (DOF), Sec. Ramon R. Jimenez (DOT) and his alternate Undersecretary Ma. Victoria V. Jasmin (DOT), Undersecretary Jose Vicente B. Salazar (DOJ), Director General William K. Hotchkiss III (CAAP) and his alternate CFO Rodante S. Joya (CAAP), Cesar A. Buenaventura, and Helen R. Osias, is strongly urged to suspend the implementation of and recall MIAA Memorandum Circular No. 8, Series of 2014;

WHEREFORE, BE IT RESOLVED, as it is hereby resolved by the Senate of the Philippines to strongly urge the the Manila International Airport Authority (MIAA) to recall the MIAA Memorandum Circular No. 8, Series of 2014, pending the adoption of a system that will automatically exempt the Overseas Filipino Workers and other Locally-Recognized Exempt Passengers from the Payment of the International Passenger Service Charge or Terminal Fee;

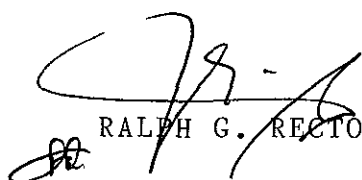
Adopted,


SENATE PRESIDENT
CYNTHIA A. VILLAR


FRANKLIN M. DRILON
AQUILINO "KOKO" PIMENTEL III


ALAN PETER "COMPAÑERO" S. CAYETANO

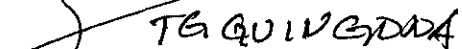

MARIA LOURDES NANCY S. BINAY



RALPH G. RECTO

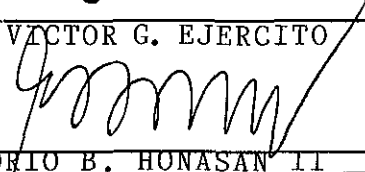
RESOLUTION STRONGLY URGING THE MANILA INTERNATIONAL AIRPORT AUTHORITY
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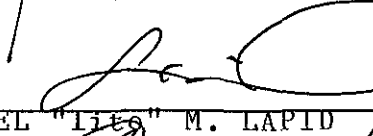

LOREN B. LEGARDA


SERGIO B. OSMENA III


TEODORO L. GUINGONA III


VICENTE "TITO" C. SOTTO III



JOSEPH VICTOR G. EJERCITO

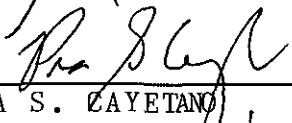

GREGORIO B. HONASAN II

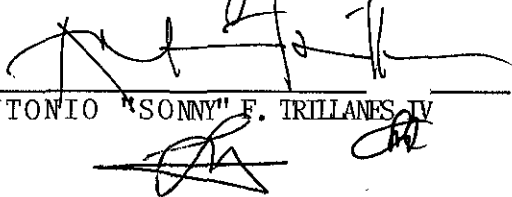

MANUEL "LITO" M. LAPID



JUAN EDGARDO "SONNY" M. ANGARA

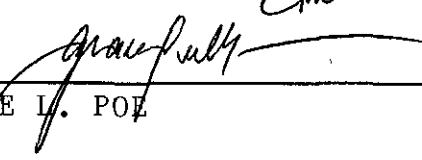

PAOLO BENIGNO "BAM" AQUINO IV


FERDINAND "BONGBONG" R. MARCOS, JR.


PIA S. CAYETANO


ANTONIO "SONNY" F. TRILLANES IV


FRANCIS JOSEPH "CHIZ" G. ESCUDERO


GRACE L. POE