

Republic of the Philippines  
Congress of the Philippines

Senate

Pasay City

Sixteenth Congress

Third Regular Session



RESOLUTION NO. 95

RESOLUTION CONCURRING IN THE ACCESSION TO  
THE 1999 MONTREAL CONVENTION FOR THE  
UNIFICATION OF CERTAIN RULES FOR  
INTERNATIONAL CARRIAGE BY AIR

WHEREAS, the Constitution, Article VII, Section 21 states:  
“No treaty or international agreement shall be valid and  
effective unless concurred in by at least two-thirds of all the  
Members of the Senate”;

WHEREAS, the Convention for the Unification of Certain  
Rules for International Carriage by Air which was opened for  
signature on 28 May 1999 entered into force on 4 November  
2003;

WHEREAS, as of May 2014, there are 107 parties to the  
Convention, included in this total are 106 of the 191 Member  
States plus the European Union;

WHEREAS, the Convention recognizes the need to modernize and consolidate the Warsaw Convention and other related covenants on international carriage of passengers, baggage, and cargo by air, specifically on liability regime that has existed since 1929;

WHEREAS, the Convention facilitates the use of simplified and modernized documents of carriage, enabling the use of electronic or computerized data processing for the issuance of these documents;

WHEREAS, the Convention establishes the two-tier liability regime in case of accidental death or injury to passengers, and provides for strict liability of carriers in cases of destruction, loss, damage or delay in the carriage of baggage or cargo; thus, the new liability system is expected to minimize costly litigation;

WHEREAS, the Convention likewise allows a wider choice of jurisdictions for bringing claims by allowing a damage suit for accidental deaths or injuries to passengers to be brought in the territory of a State Party in which at the time of the accident the passenger has his or her principal and permanent resident and to or from which the carrier operates services for the carriage of passengers by air;

WHEREAS, many of the Philippines' key trading partners are already Parties to the Convention; with the advent of ASEAN integration in 2015 wherein inter-regional flights are expected to increase, the Philippines' ratification of this Convention will prove to be timely and beneficial, resulting in a fairer liability regime that will protect passengers travelling from and to the Philippines;

WHEREAS, the Convention also complements the Philippine commitment to implement the ASEAN Single Window initiative by 2015 where electronic documents of carriage will enable air cargo to better support exporters and other shippers in the Philippines, ensuring that they are not at a competitive disadvantage with those in other Asian states;

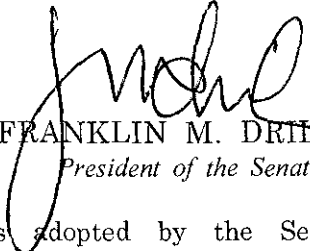
WHEREAS, the President of the Philippines acceded to the Convention on 26 May 2014 and has accordingly submitted it to the Senate for concurrence in its accession, in accordance with the Constitution;

WHEREAS, in the hearing conducted by the Senate Committee on Foreign Relations on 5 March 2015, the following government agencies endorsed the concurrence in the accession to the Convention:


- 1) Department of Foreign Affairs;
- 2) Department of Transportation and Communications;
- 3) Civil Aeronautics Board;
- 4) Department of Finance; and
- 5) National Competitiveness Council: Now, therefore, be it

*Resolved*, That the Philippine Senate concur, as it hereby concurs, in the Philippine accession to the Convention for the Unification of Certain Rules for International Carriage by Air signed on 28 May 1999 in Montreal, with the reservation that the Convention shall not apply to (a) international carriage by air performed and operated directly by the Philippines for non-commercial purposes in respect of its functions and duties as a sovereign State; and (b) the carriage of persons, cargo, and baggage for its military authorities on aircraft registered in or leased by the Philippines, the whole capacity of which has been reserved by or on behalf of such authorities.

Adopted,

  
FRANKLIN M. DRILON  
*President of the Senate*

This Resolution was adopted by the Senate on August 10, 2015.

  
OSCAR G. YABES  
*Secretary of the Senate*