

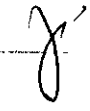
SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )

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SENATE

P.S. RES. NO. 1336

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Prepared by the Committee on Foreign Relations

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

5 WHEREAS, the Constitution, Article 7, Section 21 states: "No treaty or international  
6 agreement shall be valid and effective unless concurred in by at least two-thirds of all the  
7 members of the Senate";

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

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

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

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

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

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

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

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


11           WHEREAS, the President of the Philippines acceded to the Convention on 26 May  
12 2014 and has accordingly submitted it to the Senate for concurrence in its accession, in  
13 accordance with the Constitution;

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

- 17           1. Department of Foreign Affairs
- 18           2. Department of Transportation and Communications
- 19           3. Civil Aeronautics Board
- 20           4. Department of Finance
- 21           5. National Competitiveness Council

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

Adopted,

  
MIRIAM DEFENSOR SANTIAGO  
Chair  
Committee on Foreign Relations