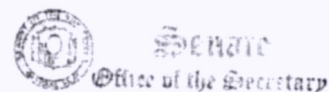


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE
P.S. Res. No. 852

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Introduced by Senator Poe

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RESOLUTION

DIRECTING THE SENATE COMMITTEE ON PUBLIC SERVICES TO CONDUCT A FULL-BLOWN INVESTIGATION, IN AID OF LEGISLATION, ANENT THE AIRPORT, AERONAUTICAL AND NON- AERONAUTICAL, AND AVIATION AUTHORITY'S APPARENT AND SEEMING BROKEN SYSTEMS OF REGULATIONS AS CAN BE GLEANED FROM THE RECENT RUNWAY CATAclysm-MISHAP INVOLVING XIAMEN AIRLINES AT THE NINOY AQUINO INTERNATIONAL AIRPORT WHICH LED TO AIRPORT PARALYSIS AND AFFECTED THOUSANDS OF PASSENGERS AND SUBSTANTIAL FLIGHT CANCELLATIONS WHICH ARE ANATHEMA TO RENDERING BASIC EFFICIENT PUBLIC SERVICES, WITH THE OBJECTIVES OF REVIEWING AIRPORT OPERATIONS AND MANAGEMENT, ASSESSING TOURISM, ECONOMIC AND INVESTMENT IMPACTS, AND PROTECTING THE INTERESTS OF PASSENGERS AND THE COUNTRY AS A WHOLE

A. The Sovereign and the Guarantees of the Constitution on the Delivery of Public Services in the Form of Social Justice

WHEREAS, the 1987 Philippine Constitution is a recognition of sovereignty and is highlighted by provisions on social justice:

"The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all" (Article II, Section 9);

"The State shall promote social justice in all phases of national development" (Article II, Section 10);

WHEREAS, social justice is also strongly supported by the Supreme Court in its landmark ruling in *Calalang v. Williams*, G.R. No. 47800, 2 December 1940, to wit:

"Social justice is 'neither communism, nor despotism, nor atomism, nor anarchy,' but the humanization of laws and the equalization of social and economic forces by the State so that justice in its rational and objectively secular conception may at least be approximated. Social justice means the promotion of the welfare of all the people, the adoption by the Government of measures calculated to insure economic stability of all the competent elements of society, through the maintenance of a proper economic and social equilibrium in the interrelations of the members of the community, constitutionally, through the adoption of measures legally justifiable, or extra-constitutionally, through the exercise of powers underlying the existence of all governments on the time-honored principle of *salus populi est suprema lex*.

"Social justice, therefore, must be founded on the recognition of the necessity of interdependence among divers and diverse units of a society and of the protection that should be equally and evenly extended to all groups as a combined force in our social and economic life, consistent with the fundamental and paramount objective of the state of promoting the health, comfort, and quiet of all persons, and of bringing about 'the greatest good to the greatest number.'"

WHEREAS, the Constitution also requires Congress to "give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good" (Article XIII, Section 1);

WHEREAS, Article III, Section 6 states that "[t]he liberty of abode and of changing the same within the limits prescribed by law shall not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired except in the interest of national security, public safety, or public health, as may be provided by law";

WHEREAS, it is a declared policy of the State to recognize "the vital role of communication and information in nation-building" (Article II, Section 24);

B. The Air Passenger Bill of Rights

WHEREAS, consistent with the objectives of the constitutional provisions, the then Department of Transportation and Communications (now DOTr) and the Department of Trade and Industry jointly issued Administrative Order No. 01-2012 or the Air Passenger Bill of Rights which provides benefits to passengers in times of flight delay or cancellation, among others;

C. The Philippines in the Global Economy

WHEREAS, the Philippines is a market player in what can be described as 'the world economy combined/combining strong technological progress with fitful demand, spurts of innovation with bouts of austerity' (*as described by scholar and visionary Jean-Baptiste Say in the graceful exposition A Treatise in Political Economy, 1804 and is still a valid economic idea in contemporary-present time);

D. The Incident and the Broken Systems of Regulations

WHEREAS, on 16 August 2018, at 11:54pm, Xiamen Airlines flight MF8667 skidded and overshot the runway after a landing on its second attempt in a heavy thunderstorm at the Ninoy Aquino International Airport (NAIA);

WHEREAS, luckily, there were no injuries from among the 165 people on board the Xiamen- Manila flight even after the aircraft's left engine has been ripped off and its landing gear damaged;

WHEREAS, the incident led to the closure of the 06/24 runway for about 36 hours after the 43-ton jet has been stuck at the grassy portion of the runway, resulting in massive cancellations of domestic and international flights and congestion particularly at the NAIA Terminal 1 which handles international flights;

WHEREAS, according to the Manila International Airport Authority, the runway has been reopened at 11:28 a.m. on August 18 after some delay, with airport authorities pointing to the weather, the transport of the aircraft out of the accident site and removal of debris as causes of the delay;

WHEREAS, aviation plays a central role in supporting tourism, creating employment and increasing economic activity in that an efficient airport system, including one that ensures swift response to emergency situations such as the recent runway mishap, must be in place already;

WHEREAS, the slow actions on the issue is something perverse about an absent administration by inefficiency, lack of compassion for citizens and people, and anathema to the country's quest in good public services, tourism, investments, human resources, and similar sectors;

WHEREAS, the incident put a spotlight on the grim situation of our airport terminals even after the airport was opened—lack of facilities for the stranded overseas Filipino workers (OFWs) and tourists who decided to stay and rest at the airport terminals, flight monitors not updated so airline staff had to walk around with pieces of paper with the flight details to call for boarding, and the airport was left in chaos after passengers were stuck inside the terminals while waiting for response from airport officials or airline crew;

E. The Preliminaries of Public Opinion, Implications, Tightening and Correcting Policies

WHEREAS, since NAIA is the Philippines' gateway to the world, the runway mishap brings a lot of questions: Don't we have the protocols, needed equipment and manpower to address these kinds of incident? Do we really need at least 36 hours or 1 and 1/2 days to clear our runways?;

WHEREAS, social media was bursting with comments and stories from hapless passengers who said they were not being accommodated for rebooking as airline ticketing counters had been closed, they were not given free meals or water even after waiting for several hours, while some OFWs decided to buy another ticket just to get to their work as scheduled, highlighting the need to fully enforce the Air Passenger Bill of Rights;

WHEREAS, there is a need to conduct a full assessment of the impacts of the two-day flight cancellations as regards lost income and opportunities, its impact on tourism, trade and the economy, as well as human resources;

WHEREAS, infrastructure constraints have hounded the NAIA for several years already, with Manila's airport already crippling with delays due to overcapacity;

WHEREAS, the recent incident and the accompanying domino effect—flight delays after several hours of normal operations, plane the proper authorities that should be on top of these kinds of situations have a lot of explaining to do and they should immediately convene a meeting of some sort to figure what they could have done better and faster and what equipment do they lack;

WHEREAS, the incident is truly a jolting wake-up call and we cannot afford to be the epitome of the worst airport in the world again;

WHEREAS, the latest airport incident only shows how the country's main gateway was ill- equipped in handling such crisis, in that proposals to modernize, expand and construct an additional runway to meet and possibly transfer it to a larger area to met growing demand should be seriously considered;

WHEREAS, there maybe a need for the Philippine airport management to review and adopt new rules and standards in the aviation industry as planes in the 21st century are likely to further improve the countries of the world in profound and unexpected ways;

WHEREAS, government has a vital role: to enforce its adopted regulations and standards and ensure that poor conduct is punished while observing the Executive department's policies and management; the Legislature should exercise its innate inquiry and oversight functions taking into consideration public concerns and interests, that market players operate on a level playing field, and that wastage of the country's vast tract of human resources and infrastructure and the negative implications to business and investments are reversed;

NOW THEREFORE BE IT RESOLVED, as it is hereby resolved by the Senate, to direct the Senate Committee on Public Services to conduct a full-blown

investigation, in aid of legislation, anent the airport, aeronautical and non-aeronautical, and aviation authority's apparent and seeming broken systems of regulations as can be gleaned from the recent runway cataclysm-mishap involving Xiamen Airlines at the Ninoy Aquino International Airport which led to airport paralysis and affected thousands of passengers and substantial flight cancellations which are anathema to rendering basic efficient public services, with the objectives of reviewing airport operations and management, assessing tourism, economic and investment impacts, and protecting the interests of passengers and the country as a whole

Adopted,


GRACE POE