

SEVENTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session



Senate
Office of the Secretary

'16 AUG 24 A8:12

SENATE

S.B. No. 1067

RECEIVED BY:

Introduced by SEN. WIN GATCHALIAN

AN ACT
GRANTING PRESIDENT RODRIGO ROA DUTERTE EMERGENCY POWERS,
TO ADDRESS THE AIR TRAFFIC PROBLEM IN THE COUNTRY AND
PRESCRIBING THE MEASURES NECESSARY TO CARRY OUT THE
OBJECTIVES OF THE NATIONAL POLICY

EXPLANATORY NOTE

The problem with traffic is not merely experienced in EDSA, it extends even to airports – in the aviation sector, much to the consternation of our partners in the airline industry. Its negative impact on our economy shows evident dismal results because tourism interest, cargo businesses for local and imported goods, opportunities for employment and other growth-driven prospects have either remained static or has decreased in the recent years.

Data shows that as early as 2012, the Department of Transportation and Communications (DOTC) had already known of and has announced several measures that the department is implementing to address runway congestion issues at the Ninoy Aquino International Airport (NAIA) due to the growing air transport industry in the country. It shows that the two runways, the primary runway 06/24 and the secondary runway 13/31 which are intersecting, allows only *limited* simultaneous operations, hence the clamor for the additional infrastructure to accommodate a parallel runway.

NAIA's existing runways can only accommodate an average of 36 events (takeoffs and landings) per hour, but actual scheduled commercial and general aviation flights, allows to as high as 50 events per hour resulting to a congested runway that causes flight delays and cancellations. Because of this, the International Air Transport Association (IATA) airport has declared the NAIA as

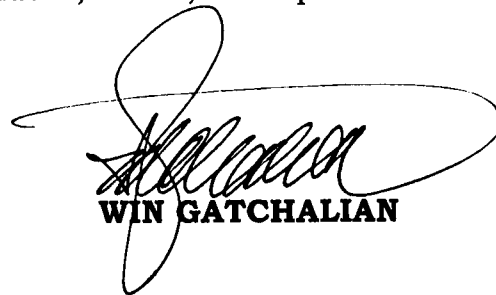
a high-risk airport in the Asia-Pacific Region citing unresolved safety issues and poor infrastructure.

Despite the guarantees of the government and the recommendations of several agencies, years after knowledge of the issues and concerns, NAIA is plagued to this date by the same runway and air traffic problems.

In consonance with the direction which the Duterte administration intends to address the land traffic dilemma in Metro Manila, it is the intent of this bill to likewise authorize the grant of emergency powers in favour of the President of the Philippines to solve the air traffic congestion. An emergency, is defined as *the existence of a condition, intensifying the degree of existing danger to life or well-being, beyond that which is accepted as normal. The emergency contemplated in our constitution is of the same breadth. It may include rebellion, economic crisis, pestilence or epidemic, typhoon, flood or other similar catastrophe of nationwide proportion or effect* (<http://jlp-law.com/blog/emergency-powers-of-the-president/>)

Unless, we act swiftly, the air traffic congestion continues to pose as a danger to every life of the airline-riding Filipino and foreign tourist. We do not need another horrendous incident such as that time when flights were cancelled or otherwise re-routed because of a simple pothole problem in the NAIA landing strip. There is no single cohesive action but a series of finger-pointing chaos. Even if downplayed, the magnitude of the problem is at an alarming stage that all efforts should be directed to expedite the improvement of existing facilities, prioritize new infrastructures, utilization of new hubs other than Metro Manila and undertake other urgent measures that shall be necessary and proper to respond to the national policy on the air traffic emergency.

The urgency of the measure is evident, hence, we request for its immediate passage.



WIN GATCHALIAN



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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

- 1 **Section 1. Title.** This Act shall be known as the “**Air Traffic Act**”.
- 2 **Sec. 2. Declaration of Policy.** – In pursuit of the declared national policy
- 3 by the State to ensure, promote and accelerate social progress, an environment
- 4 for a just and dynamic social order is necessary for national development. The
- 5 gravity and seriousness of the air traffic problem which has reached an alarming
- 6 magnitude runs counter to this dynamism, and as such, requires extraordinary,
- 7 urgent and operative solutions that shall be embodied in the emergency powers
- 8 to be granted to the President of the Philippines, to address this social malady
- 9 that impedes our nation’s growth.
- 10 **Sec. 3. Emergency Powers.** – The President of the Republic of the
- 11 Philippines is hereby granted the authority to implement urgent social and
- 12 economic reforms on the air traffic problem pursuant to the declared national

1 policy, and henceforth shall issue such rules and regulations as shall be
2 necessary to carry out the following objectives:

3 (1) The President shall institute a cohesive program to implement an air
4 traffic management plan, and for this purpose;

5 a) The President may reorganize the Civil Aviation Board (CAB), Civil
6 Aviation Authority of the Philippines (CAAP) and other agencies
7 involved in air and aviation traffic administration to be responsive
8 to the national emergency; split, group or merge government
9 positions; transfer functions, equipment, properties, records and
10 existing personnel. The salaries and benefits of the employees shall
11 not be diminished by virtue of the reorganization contemplated in
12 this section;

13 b) The President may create a centralized air traffic authority to
14 introduce innovative and more responsive aviation management
15 service that shall streamline private and public coordination;

16 c) The President shall hire consultants, employ the services of experts
17 specializing in civil aeronautics, provide the re-training of aviation
18 personnel to optimize runway capacities, develop personnel
19 capabilities and provide other technical improvements;

20 d) The President may transfer or designate other alternative local
21 airport hubs to become the international flight gateways to
22 decongest Metro Manila airports.

23 (2) The President shall enter into contracts for the construction of parallel
24 runways, building of new infrastructure facilities, repair, rehabilitation,
25 improvement of existing airport runways, facilities and other similar
26 infrastructures subject to procurement regulations under Republic Act
27 9184, except when the President so certifies that the contract is
28 advantageous to the government and thereby waives its application
29 from the said law, provided however, that the same shall be made
30 subject to existing government auditing rules and regulations.

1 (3) The President shall exercise the power of eminent domain for the
2 creation of new runways or the expansion of existing ones,
3 establishment of new infrastructures and other aviation related
4 facilities.

5 (4) The President may deputize the Local Government Units (LGU) to assist
6 the government in monitoring the implementation of its orders.

7 (5) The President may undertake such other measures as may be
8 necessary to carry out the declared national policy.

9 **Sec. 4. Duration of the Grant of Powers.** – The authority granted to the
10 President under this Act shall be valid and effective for a period of two (2) years
11 from the effectivity of this Act unless sooner withdrawn by a resolution of
12 Congress, without prejudice to existing contracts and other rights and benefits
13 which may have been vested.

14 **Sec. 5. Prohibition on the Issuance of Temporary Restraining Orders
15 or Injunctions.** – No temporary restraining order, preliminary injunction or
16 preliminary mandatory injunction shall be issued by any court, except the
17 Supreme Court, against any executive action in its due exercise of the power of
18 eminent domain and undertaking of infrastructure projects.

19 **Sec. 6. Report to Congress.** – The President shall submit a quarterly
20 report to Congress on the exercise of the national emergency powers and the
21 effectiveness of the measures undertaken to implement them. The report shall
22 include, but not limited to, contracts entered into, projects undertaken,
23 programs implemented, offices created or abolished, any and all acts necessary
24 and proper to execute the national policy declared under this Act.

25 **Sec. 7. Oversight Committee.** – In order to monitor and oversee the
26 implementation of the provisions of this Act, a Committee shall be created
27 composed of six (6) members from the Senate and House of Representatives to
28 be designated by the Senate President and the Speaker of the House of
29 Representatives, and a member from the minority for each of the Chambers.

1 **Sec. 8. Separability Clause.** - If any provision or part of this Act is held
2 invalid or unconstitutional, the remaining provisions not otherwise affected shall
3 remain valid and subsisting.

4 **Sec. 9. Repealing Clause.** - Any law, presidential decree or issuance,
5 executive order, letter of instruction, administrative order, rule or regulation
6 contrary to or inconsistent with the provisions of this Act is hereby repealed,
7 modified or amended accordingly.

8 **Sec. 10. Effectivity Clause.** - This Act shall take effect fifteen (15) days
9 after its publication in at least two (2) newspapers of general circulation.

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11 Approved,
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