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## Senate ok's bill allowing 100% foreign ownership of public services

- The Senate approved on third and final reading a bill that will amend the 85-year-old Public Service Act
- Senate Bill No. 2094 allows 100% foreign ownership of public services which will no longer be defined as public utilities, including air carriers and domestic shipping
- Bill sponsors said the measure will give consumers more choices

THE Senate has approved on third and final reading the bill that will allow 100% foreign ownership of public services no longer defined as public utility, including

air carriers and domestic shipping. Senate Bill No. 2094, which will amend Commonwealth Act No. 146, otherwise known as Public Service Act or PSA, as amended, was approved with 19 affirmative, three negative, and zero abstention votes during the session on December 15.

President Rodrigo Duterte earlier certified SB 2094 as urgent.

Senator Grace Poe, who co-sponsored the bill, in a speech said, "opening our economy to a diverse set of investors, (would) provide our fellow Filipinos with more and better choices."

Poe earlier explained that the bill, *Turn to page 4*

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## Construction of NLEX Connector second section starts

- Construction of the second section of North Luzon Expressway Connector, between the future España and Sta. Mesa interchanges in Manila, officially begins
- The Sta. Mesa section will pave the way to connect NLEX and South Luzon Expressway through the Metro Manila Skyway Stage 3
- It will benefit at least 35,000 motorists per day and boosting economic activities in Manila, Caloocan, Malabon, Navotas and the surrounding areas in the north and south

CONSTRUCTION of the second section of North Luzon Expressway (NLEX) Connector, between the future España and Sta. Mesa interchanges in Manila, officially begins as the Department of Public Works and Highways (DPWH) and NLEX Corporation lead the groundbreaking ceremony for the remaining three kilometers of the elevated expressway.

The Sta. Mesa section will pave the way to connect NLEX and South Luzon Expressway through the Metro Manila Skyway Stage 3, benefitting at least 35,000 motorists per day and boosting economic activities in Manila, Caloocan, Malabon, Navotas and the surrounding areas in the north and south.

Earlier, NLEX Corp. signed an agreement with China Road and Bridge Corporation for the civil works contract of the project.

The entire NLEX Connector, spanning 8 km, uses portions of the Philippine National Railway (PNR) right-of-way. It extends the expressway southward from the NLEX Harbor Link Caloocan Interchange, 5<sup>th</sup> Avenue/C3 Road passing



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through España Boulevard, R. Magsaysay Boulevard, and eventually connecting to the Skyway Stage 3 within the vicinity of the Polytechnic University of the Philippines (PUP) in Sta. Mesa, Manila.

"We are committed to provide the necessary right-of-way for this project as we target to complete this segment by end of 2022. Upon completion, the NLEX Connector will enable Manila Ports to have a seamless north-south connection and provide further convenience to motorists with the decongestion of major thoroughfares like EDSA and C5," Public Works Secretary Roger Mercado said.

The NLEX Connector is expected to improve mobility because it will divert

cargo trucks to the elevated expressway, thereby decongesting local roads. It is also seen to benefit truckers because the route is available 24/7, without a truck ban.

Moreover, the NLEX Connector will enable the supply chain and logistics sector to achieve 24/7 unhampered delivery of goods, vital contributors in mitigating effects of the COVID-19 pandemic on the economy.

"This new elevated expressway hopes to support the country's economic recovery by helping reduce traffic congestion in the metro and offering those with private cars and commercial vehicles ease of travel," Metro Pacific Tollways Corporation (MPTC) president and chief executive officer Rodrigo Franco said.

NLEX is a subsidiary of MPTC.

Franco added "the project will enhance accessibility to international airports such as NAIA [Ninoy Aquino International Airport] and Clark, help generate jobs, and stimulate development between Metro Manila and its surrounding provinces in the north and south."

Once opened, around 35,000 motorists are expected to traverse this new expressway which runs mostly above the PNR alignment.

Meanwhile, construction of the first 5-km section of the project between Caloocan and España interchanges continues to progress with close to 60% completion.

## Domestic ships ordered to prioritize ambulances, patients during dis/embarkation

- The Maritime Industry Authority (MARINA) directed domestic shipping operators to ensure their ships prioritize ambulances and other medical service vehicles during loading and unloading
- MARINA said it received a report of delays and difficulties encountered by ambulances or other medical service vehicles transporting patients and medical supplies during ship embarkation
- The priority should also be extended to passengers onboard the ambulance or other medical service vehicle, including the driver, patient, and medical staff

DOMESTIC shipping operators must give priority to ambulances and other medical service vehicles during vessel loading and unloading, the Maritime Industry Authority (MARINA) said.

In MARINA Advisory (MA) No.

2021-73, the agency said it received a report of delays and difficulties encountered by ambulances or other medical service vehicles transporting patient and medical supply when they were embarking on ships.

MARINA noted that prioritizing an ambulance engaged in emergency response has long been a statutory consideration in the transportation sector, as reflected by a provision exempting them from the rule on right of way in road traffic under Republic Act No. 4136, or the

Land Transportation and Traffic Code.

MARINA directed domestic shipping operators to strictly comply and prioritize loading/embarkation on ships, and unloading from there, of land ambulances and other medical service vehicles engaged in emergency response.

The priority should also be extended to passengers onboard the ambulance or other medical service vehicle, including the driver, patient, and medical staff.

Other medical service vehicles  
Turn to page 6

## 2GO vaccines 96% of employees

and riders have been inoculated

2GO Group, Inc. has completed its vaccination drive, with about 96% of employees having received free COVID-19 vaccines.

"As a company operating in the essential industry, wherein transporting passengers and ensuring an unhampered supply chain in the country are vital we prioritize health and safety in all worksites and business

locations. We advocate for our employees to get vaccinated to protect their families, friends, and coworkers from getting infected with the virus. This move is also to safeguard our customers, our passengers, and the general public," 2GO president and chief executive officer Frederic Dy-Buncio said.

A majority-owned subsidiary of SM Investments Corporation, 2GO has been coordinating with its parent company and various local government units in vaccinating its workforce. SM Supermalls, in partnership with LGUs, facilitated a multi-mall COVID-19 vaccination drive, where over six million COVID-19 doses to date have been administered, including to 2GO employees.

"We have inoculated 98% of our employees in the National Capital Region (NCR) Plus, where the risk of transmission is higher. Our provincial vacci-

nation has achieved over 95% vaccination rate with LGU coordination. Meanwhile, we have accomplished a 100% inoculation of our seafarers, onboard personnel, ticketing agents, drivers and riders," 2GO vice president for Human Resources Viola De Jesus added.



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## DOTr, San Miguel unveil first batch of MRT-7 trains

- The Department of Transportation and San Miguel Corp. unveiled the first six train sets for the Metro Rail Transit Line 7 (MRT-7) project.
- The rail project is 56.03% complete with test runs to begin in December 2022.
- Once finished, the 22-kilometer rail and road development will have 14 stations.
- MRT-7 can accommodate 300,000 passengers daily during its first year of operations.
- and 850,000 passengers daily by its 12<sup>th</sup> year.
- It will reduce travel time from North Avenue, Quezon City to San Jose del Monte, Bulacan to just 35 minutes from the current two to three hours.

THE Department of Transportation (DOTr) and San Miguel Corp. (SMC) have unveiled the first six train sets for the Metro Rail Transit Line 7 (MRT-7) project, eyed for test operation in December 2022.

President Rodrigo Duterte on December 16 led the unveiling of the six train sets, or 18 rail cars, manufactured by South Korea's Hyundai Rotem.

The entire MRT-7 will have a total of 36 train sets or 108 rail cars.

"MRT-7 is a vital cog in our long-term goal to develop an integrated and interconnected transportation system where people from all income levels can get around and beyond the metropolis, quickly and efficiently," SMC president and chief executive officer Ramon Ang said in a statement.

The unsolicited project, a 22-kilometer rail and road development starting from North Avenue, Quezon City and ending in the City of San Jose del Monte, Bulacan, is 56.03% complete with test runs slated to begin in just a year's time or starting December 2022.

This progress follows delays in rights-of-way acquisition, relocation of utilities, and work limitations caused by the ongoing COVID-19 pandemic, SMC noted.

Once complete, MRT-7 will have a 14-station railway line and will be connected to the North Luzon Expressway.

*Turn to page 12*

*Continued from page 1*

potential business value and opportunity, and with consideration by not only NEDA [National Economic and Development Authority] but by the Department of National Defense," PISA said.

For example, the association said, reciprocity in the case of an Indonesian or Japanese shipping company investing in the domestic trade without a Filipino partner should allow a Filipino shipping company "to also enter the very strict Indonesian and Japanese cabotage regime which for small ships requires 100% ownership."

Since Indonesia has more islands than the Philippines, PISA noted that reciprocity in their respective shipping industries could potentially be a more than "one-on-one," which would not be a fair exchange.

On the other hand, if a Singaporean shipping company invests in the Philippines, "we would not have the ability to also benefit from their trade since Singapore does not have an equivalent scale for coastal trade."

### Game changer

The Joint Foreign Chambers (JFC), meanwhile, hailed the Senate's passing of the bill, which it called "game-changing."

"Liberalization of the economy is one of the most important measures needed to attain similar levels of foreign investment received by ASEAN neighbors and ensure the Philippine economy's continued recovery from the pandemic," the group said in a statement.

JFC said it pledges "efforts to bring the reform to the attention of appropriate firms in our member countries in the United States, Australia-New Zealand, Canada, Korea, Japan, and Europe" and it will encourage them to invest in the Philippines and support better public services for the Filipino people with capital and technology.

With the Senate's approval, a bicameral conference committee will be convened to reconcile conflicting provisions of the Lower House and Senate-approved versions, or one of the chambers may decide to adopt the other's version of the bill. The Lower House approved on third and final reading its version, House Bill No. 78, in March 2020. - **Roumina Pablo**

## Senate ok's bill allowing 100% foreign ownership...

which will amend the 85-year-old PSA, aims to clear "the ambiguity surrounding the interchangeably used terms 'public utility' and 'public service'."

Under SB 2094, public utility refers to a "public service that operates, manages or controls for public use" any of the following: distribution or transmission of electricity; petroleum and petroleum products pipeline distribution systems, water pipelines distribution systems and wastewater pipeline systems; as well as airports, seaports, public utility vehicles (PUV) and tollways or expressways.

PUVs include road vehicles that carry passengers and/or cargo for a fee, offering services to the public, namely trucks-for-hire, UV express service, public utility buses, PUV jeepneys, tricycles, filcabs, and taxis.

Those not classified as a public utility

will otherwise be considered as a public service and not be bound by the 60%-40% ownership principle under the Constitution. Public services include telecommunications, air carriers, domestic shipping, railways and subways.

Senator Rissa Hontiveros, who along with Senate President Pro Tempore Ralph Recto and Senator Francis Pangilinan voted no on the measure, said she supports "the objective of inviting more foreign investors who will infuse capital and know-how for the improvement of our public utilities."

But she is "saddened that many other critical services have been opened up to 100% foreign ownership by our bill when, as Senator Recto repeatedly proposed, we could have limited foreign participation say to 70%, which allows Filipinos and even the state to have direct knowledge

of what goes on inside these critical facilities."

Hontiveros said she specifically is against the opening of the telecommunications industry at a time "when we have tech-savvy neighbors as well as rogue non-state elements that are directly targeting facilities in the region, including government and military installations and other very critical infrastructure."

### Security safeguards

Poe, during the period of interpellation, assured that the measure contains safeguards to protect national security, which include prohibiting foreign state-owned enterprises from owning capital in any public service classified as "critical infrastructure," and review of the foreign investments by the National Security Council.

A provision was included in SB 2094 tasking the NSC to initiate a review of foreign investments that would result in the control of any critical infrastructure in the country.

Critical infrastructure refers to assets that are so vital to the country that the incapacity of such assets would debilitate national security. These critical infrastructure include telecommunications, air carriers, domestic shipping, and railways and subways.

Another safeguard, found in the reciprocity clause, provides that foreign nationals may only own more than 40% of the public services identified as critical infrastructure if their country accords a reciprocal right to Filipinos by law, treaty or international agreement.

The Philippine Inter-Island Shipping Association (PISA) earlier expressed concern that the bill's reciprocity provision compromises the viability of critical infrastructure, and reciprocity should thus be on a "one-on-one basis" within the same specific industry sector.

"If the reciprocity clause must be retained, we recommend that the reciprocity be on a 'one on one basis' within the same specific industry sector—allowing foreign nationals to own more than 40% in sea, air, and land public transport assets and infrastructure, only if their own countries accord the same privilege to Filipinos in the same business activity, with the same

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HYUNDAI GRACE	0CB6AN1NC	19-Dec	21-Dec	28-Dec	29-Dec	1-Jan	1-Jan	4-Jan
MTT SAMALAJU	0CB6CN1NC	26-Dec	28-Dec	7-Jan	8-Jan	11-Jan	11-Jan	14-Jan
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GH TRAMONTANE	OIZA7N1NC	2-Jan	4-Jan	11-Jan	11-Jan	13-Jan	14-Jan
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JACK LONDON	OKRMEN1NC	29-Dec	31-Dec	3-Jan	5-Jan	1-Jan
HENG HUI 2	OKRMIN1NC	7-Jan	10-Jan	14-Jan	16-Jan	29-Dec
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BAL PROSPER	OJV7EN1NC	29-Dec	30-Dec	3-Jan	4-Jan	5-Jan
GREEN POLE	OJV7IN1NC	28-Dec	22-Dec	26-Dec	27-Dec	28-Dec

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## Cebu Pacific subsidiary Aplus inaugurates renovated hangar

- Aviation Partnership Philippines (Aplus) on December 14 inaugurated an improved hangar
- The 3,112-square-meter renovated hangar was completed in November 2021
- It can cater to A320, ATR, and A321neo aircraft
- The renovation is in time for the expected recovery of the aviation industry after the pandemic lockdowns grounded the sector

AVIATION Partnership Philippines (Aplus), a wholly owned Cebu Pacific

subsidiary, inaugurated on December 14 an improved hangar, in time for the expected recovery of the aviation industry after the pandemic lockdowns grounded the sector.

The renovation of the 3,112-square-meter hangar was completed in November 2021. The Aplus hangar can cater to the A320 and ATR aircraft and is designed for the A321neo as well.

The hangar will be used to perform phased C-Checks. A C-Check is performed approximately every 20 to 24 months or after a specific number of actual flight hours; it requires inspection of a large

majority of an aircraft's components, putting the aircraft out of service for one to two weeks.

"This is a milestone not only for Cebu Pacific but more so for our subsidiary, Aplus. This inauguration is very timely and in line with the airline's preparations for the expected recovery



of the aviation industry," Cebu Pacific chief corporate affairs officer Michael Ivan Shau said in a statement.

Aplus services include line maintenance, light aircraft checks, and technical ramp handling for Cebu Pacific and other carriers with hubs in Manila, Cebu, Davao and Clark, apart from secondary airports in the Philippines.

Cebu Pacific said the improvement will allow the airline to reduce logistics and ferry costs compared to having to send aircraft to Clark or to any regional maintenance, repair, and operations service provider for checks and other services requiring a hangar.

"The Aplus hangar will allow for a reduced turnaround time for our existing and future airline customers. Working under a roof will surely boost personnel productivity and further enhance the quality of our services," Aplus general manager Rico Ugdoracion said.

Aside from Aplus' continuous drive to get more foreign airline customers for its transit business, it also intends to work on getting local clients.

"Having a hangar will give our foreign airline customers confidence that in case their aircraft gets grounded in Manila, a hangar can be provided by Aplus to perform the needed maintenance activities for aircraft recovery," added Ugdoracion.

Cebu Pacific acquired Aplus in November 2020 in a move to optimize operations in line with ensuring the airline is on a strong path to recovery. Aplus was established in 2005 as a partnership between Cebu Pacific and Singapore-based SIA Engineering.

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TS Dalian	21001N	23-Dec	OMIT	OMIT	OMIT	OMIT
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Green Pole	26N	22-Dec	23-Dec	26-Dec	29-Dec	30-Dec
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VESSEL	VOY	MIP ETD/MON	MNS ETD/TUE	SWA ETA/THU	QUA ETA/FRI	XMN ETA/SAT
SINOTRANS TIANJIN	2145N	Dec 20	SKIP	Dec 23	Dec 24	Dec 25
SINOTRANS TIANJIN	2146N	Dec 27	SKIP	Dec 30	Dec 24	Jan 1
SINOTRANS TIANJIN	2147N	Jan 3	Jan 4	Jan 6	Jan 7	Jan 8
SINOTRANS TIANJIN	2201N	Jan 10	Jan 11	Jan 13	Jan 14	Jan 15
LCT: (NORTH) MON 0600H & (SOUTH) TUE 0100H • TUE SAILING						

CPS SERVICE DIRECT MANILA - SHANGHAI(4) - NINGBO(5)						
VESSEL	VOY	MNN ETD/THU	MNS ETD/FRI	SFS	SHA ETA/SAT	NBO ETA/SUN
ZHONGWAI YUN XIN GANG 2123N	Dec 23	Dec 24	-	Dec 31	Jan 1	
SITC GENSAN 2125N	Dec 30	Dec 31	-	Jan 7	Jan 8	
ZHONGWAI YUN XIN GANG 2201N	Jan 6	Jan 7	-	Jan 14	Jan 15	
SITC GENSAN 2126N	Jan 13	Jan 14	-	Jan 21	Jan 22	
LCT: (MIP) TUE/1800H: (SOUTH) WED/1800H • FRI SAILING FOR PERISHABLE GOODS: (MIP) WED/1800H: (SOUTH) THU/1800H						

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VESSEL	VOY	MNN ETD/WED	MNS ETD/THU	SUBIC ETD/FRI	TAO ETA/WED	NBO ETA/THU	QZJ ETA/SAT
AS FENJA	024N	Dec 22	Dec 23	Dec 24	Jan 5	Jan 7	Jan 9
ISEACO FORTUNE	050N	Dec 29	Dec 30	Dec 31	Jan 12	Jan 14	Jan 16
IBN ALABBAR	225N	Jan 5	Jan 6	Jan 7	Jan 19	Jan 21	Jan 23
AS FENJAR	025N	Jan 12	Jan 13	Jan 14	Jan 26	Jan 28	Jan 30
LCT: (NORTH) MON/1200H: (SOUTH) TUE/1200H: (SUBIC) THU/1200H • FRI SAILING FOR PERISHABLE GOODS: (NORTH) TUE/1200H: (SOUTH) WED/1200H: (SUBIC) FRI/1200H							

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MOTHER VESSEL	VOY. NO.	ETD BTG	ETD MNL(NH)	ETA NAN	ETA SHE	ETA HOC	ETA SIN	ETA BNK	ETA ICH
WISDOM GRACE	2138S	25-Dec	27-Dec	29-Dec	31-Dec	3-Jan	6-Jan	7-Jan	9-Jan
SITC RIZHAO	2138S	1-Jan	3-Jan	5-Jan	7-Jan	10-Jan	13-Jan	14-Jan	16-Jan
(CARGO): BATANGAS: THU 2359H   DOCS: THU 1700H SAT SAILING   (CARGO): MNN: FRI 1700H MON SAILING									
CMI SERVICE (BATANGAS- SHANGHAI- XIAMEN- SHEKOU- NANSHA- HO CHI MINH- JAKARTA- SEMARANG- MAKASSAR)									
MOTHER VESSEL	VOY. NO.	ETD BTG	ETA SHA	ETA NBO	ETA XIA	ETA SHE	ETA NAN	ETA BN	ETA MAK
SITC SEMARANG 2127N	25-Dec	29-Dec	31-Dec	2-Jan	3-Jan	5-Jan	8-Jan	11-Jan	13-Jan
SITC ULSAN 2201N	1-Jan	5-Jan	7-Jan	9-Jan	10-Jan	12-Jan	15-Jan	18-Jan	20-Jan
LCT (CARGO): BATANGAS/THU 2359H/PRE ADVISED/ED/ARRASTRE/FSI: THU 1700H (SAT SAILING)									

CPX1 SERVICE ( MNL SH - BATANGAS - CEBU - CAGAYAN - DAVAO - DALIAN - TIANJIN - QINGDAO - SHANGHAI )

MOTHER VESSEL	VOY. NO.	ETD MN NH	ETD MNL SH	ETD BTG	ETD CEB	ETD DICT	ETD COO	ETA SHA	ETA DLC	ETA TXG	ETA TAD	ETA SHA
SITC MAKASSAR 2201N	SKIP	27-Dec	28-Dec	30-Dec	3-Jan	SKIP	8-Jan	10-Jan	12-Jan	14-Jan	16-Jan	
SITC CEBU 2201N	SKIP	3-Jan	4-Jan	SKIP	12-Jan	15-Jan	17-Jan	19-Jan	21-Jan	23-Jan		
LCT (CARGO): SASA-FRI 1900H (SUN SAILING) / DICT-SAT 1200H (MON SAILING) / GEN SAN-SUN 2400H (TUE SAILING)												

CPX6 SERVICE (MNL NH-MNL SH-DAVAO (SASA)-DAVAO (DICT)-GEN SAN-SHANGHAI-QINGDAO)

MOTHER VESSEL	VOY. NO.	ETD SUBIC	ETD MNL(NH)	ETD MNL SH	ETD CEB	ETD GEN	ETD DVO	ETA SHA	ETA QIN	ETA WEN	ETA XMN



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## Challenging

By HENRIK BATALLONES  
SCMAP Marketing and Communications Executive



### SCMAP PERSPECTIVE

It took a bit of getting used to, seeing the people you work with in person after months of relying solely on Viber group chats and Zoom meeting rooms. (Some of them, I haven't even met in person.) But there we were, together in one function room, catching up, laughing, having fun.

To be honest, there was a point in those twenty-two months when I thought this would not happen again. But things, at first glance, are looking up. The malls are crowded again. So are the roads, but I don't think that counts as a positive thing regardless of circumstance. The number of daily new COVID-19 cases are in the triple digits—a relief considering we saw new daily cases in the thousands for months. The government's inoculation program is steaming along, with recent pronouncements claiming they've halfway to the target of 70 million fully-vaccinated Filipinos by the summer of next year.

But, of course, it isn't over yet. The

A couple of weeks back, the SMCAP team gathered—physically, for the first time in twenty-two months—for a simple Christmas dinner. world's attention is on the new Omicron variant, whose mutations are significant enough to possibly evade available vaccines. As of this writing, some countries are seeing another rise in cases—and, along with that, a return to some restrictions. While early observations show that the variant results only in mild cases among those infected, it is highly possible it's because those affected have already received both doses (or, possibly, a third). There are also suggestions that Omicron is more transmissible, and can do more damage to the lungs than the Delta variant, but more data is still needed to confirm this.

This new variant brings home the point that, while things are looking up in this part of the Philippines, we aren't entirely out of the woods yet. For one, the government's boast of being halfway to their target withers when you realize that over a hundred million people call the Philippines home. Information provided by the Department of Health shows only 42 million Filipinos have received both doses—not even half of the country's population. Almost 21 million of those came from either Metro Manila, Region 3 or Region 4A. Other provinces, especially poorer ones, still have a long way to go to getting the majority of their populations jabbed.

Our thinking has been that having a fully-vaccinated country would make economic recovery slightly easier, but Omicron—which has entered our shores

last week—is threatening to undo our progress. Who's to say we won't have restrictions in movements again? Who's to say we won't have to wear those demoralizing face shields again? Who's to say consumer confidence won't drop, or businesses won't have to cut jobs and scuttle expansion plans?

It's pertinent that we continue to work, and more importantly, that we step up our efforts. We must ensure the vaccines reach every Filipino, which means addressing logistical capacity issues as well as any concerns from those hesitant to get jabbed. We must ensure that systems which will allow businesses and persons heavily affected by the pandemic to get back to speed quickly are in place. We must get out of our tendency to stick with firefighting, and shift towards developing long-term plans so we can both manage a disease that's well on its way to becoming endemic, and also so we get back on our feet faster than the pandemic has brought us down.

As I have said in previous columns, the private sector is more than willing to help. To take one example, we at SMCAP have, over the past twelve months, offered our expertise in various initiatives that address ongoing concerns both resulting from the pandemic, and exacerbated by it. Take, for example, our work in developing the DeliverE online platform connecting farmers to markets, or our larger work with the Pilipinas Kontra Gutom movement aiming to address hunger and malnutrition in the country. There's also our continued work in advocating for policy reforms that will enable our supply chains to be more competitive and play a greater role in our

economic recovery—a recent example is the proposed legislation regulating international shipping charges.

After several years (and a pandemic intervening) we have also finally re-launched our certificate course with the De La Salle University. Our program on enterprise supply chain management addresses some of the gaps in supply chain education present today, particularly as the sector gains wider attention and demand for expertise continues to surge. Alongside our new Supply Chain Essentials webinar series and our retooled online events, we kept stakeholders up to date with the latest trends and developments in a fast-moving and ever-important sector.

But our efforts are just part of many undertaken by the private sector in recent years—and, as I have mentioned in past columns, we can only do so much. But as one kind of "challenging" gives way to another, we continue to offer our expertise and experience as we work together to emerge from the difficulties of the past twenty-two months—and, fingers crossed, be better than ever for everyone.

With these prayers, we at SMCAP wish all of you a meaningful Christmas and a resilient and healthy new year ahead.

*Henrik Batallones is the marketing and communications director of SMCAP, and editor-in-chief of its official publication, Supply Chain Philippines. More information about SMCAP is available at [scmap.org](http://scmap.org).*

## Is a Fire Insurance Policy Valid Upon Partial Payment of Premium?

By ATTY JOEY T. BANDAY



NO. And this is the story.

On January 22, 1988, FL Gen. Ins. Co. (FLGI) issued a fire insurance policy in favor of spouses Oscar and Fely Ricas. Out of the total premium of

P3,000, the Ricas only paid P600. The fire insurance policy covered their newly built two-story house together with all personal effects as well as their newly acquired SUV parked in their garage.

Two months later, the insured house/contents were razed by fire. Two days later, the Ricas paid the balance of the premium and filed a claim with FLGI on their fire insur-

ance policy.

In a letter dated June 11, 1988, FLGI denied the claim of the Ricas, citing violation of Policy Condition No. 2 and of Sec. 77 of the Insurance Code. The Insurance Commission was not able to settle the case between the parties. Hence, the Ricas sued FLGI for damages plus interest, moral damages, and attorney's fees with the Regional Trial Court of Manila.

After trial on the merits, the trial court adjudged FLGI liable for the total value of the house and personal properties plus interest, and attorney's fees.

But the Court of Appeals (CA) reversed the trial court's decision by declaring FLGI not liable due to failure of the Ricas to pay the premium in full. After denial of their Motion for Reconsideration by the CA, the Ricas appealed to the Supreme Court (SC).

And the SC ruled in the following tenor:

"xxx."

*Precisely, the insurer and the insured expressly stipulated that (t)his policy including any renewal thereof and/or any endorsement thereon is not in force until the premium has been fully paid to and duly receipted by the Company x xx and that this policy shall be deemed effective, valid and binding upon the Company only when the premiums therefor have actually been paid in full and duly acknowledged.*

*Conformably with the aforesaid stipulations explicitly worded and taken in conjunction with Sec. 77 of the Insurance Code, the payment of partial premium by the assured in this particular instance should not be considered the payment required by law and the stipulation of the parties. Rather, it must be taken in the concept of a deposit to be held in trust by the insurer until such time that the full amount has been tendered and duly receipted for. In other words, as expressly agreed upon the contract, full payment must be made before the risk occurs for the policy to*

**be considered effective and full force.**

x xx

We are well aware of insurance companies falling into the despicable habit of collecting premiums promptly yet resorting to all kinds of excuses to deny or delay payment of just insurance claims. But, in this case, the law is manifestly on the side of the insurer. For as long as the current Insurance Code remains unchanged and partial payment of premium is not mentioned at all as among the exceptions provided in Secs. 77 and 78, no policy of insurance can ever pretend to be efficacious or effective until premium has been fully paid.

But had the parties stipulated that a contract was deemed perfected upon partial payment of the premium, the case would have been decided in favor of the insured.

Next story please. And stay safe and sound.

*For questions or comments, email the writer at [atty.joeybanday@gmail.com](mailto:atty.joeybanday@gmail.com).*

## RCEP could lower PH exports...

diversion effects."

Overall, the report finds the entire region will benefit from RCEP's tariff concessions, with most of the gains resulting from trade diverted away from non-members.

"As the process of integration of RCEP members goes further, these diversion effects could be magnified, a factor that should not be underestimated by non-RCEP members," the report said.

Signed in November 2020 and set to enter into force on January 1, 2022, RCEP will create the world's largest trading bloc

by economic size, covering a market of 2.2 billion people with a combined size of US\$26.2 trillion or 30% of the world's gross domestic product.

The bloc comprises 15 East Asian and Pacific nations, namely, Australia, Brunei Darussalam, Cambodia, China, Indonesia, Japan, South Korea, Laos, Malaysia, Myanmar, New Zealand, the Philippines, Singapore, Thailand and Vietnam.

The agreement encompasses several areas of cooperation and aims to achieve trade liberalization by eliminating 90%

*Continued from page 3*  
of tariffs within the bloc.

While many tariffs will be abolished immediately, others will be reduced gradually during a 20-year period.

The tariffs that remain in force will be mainly limited to specific products in strategic sectors, such as agriculture and the automotive industry, in which many of the RCEP members have opted out from trade liberalization commitments.

Trade between the bloc's 15 economies was already worth about \$2.3 trillion in 2019, and UNCTAD's analysis

shows the agreement's tariff concessions could further boost exports within the newly formed alliance by nearly 2%, or approximately \$42 billion.

This would result from trade创造性的 lower tariffs would stimulate trade between members by nearly \$17 billion, and trade diversion as lower tariffs within the RCEP would redirect trade valued at nearly \$25 billion away from non-members to members.

Currently, 11 member economies have already ratified the agreement while Indonesia, Malaysia, Myanmar, and the Philippines have yet to ratify it.

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## Entire PH placed under Alert Level 2

- The entire Philippines is under Alert Level 2 for COVID-19 from December 16 to 31, 2021
- There are eight countries under the red list, 41 in the green list, and the rest in the yellow list

THE Inter-agency Task Force for the Management of Emerging Infectious Diseases (IATF) has approved placing the entire country under Alert Level 2 from December 16 to 31, 2021.

Cabinet Secretary and acting presidential spokesperson Karlo Alexis Nograles, in a press briefing, said the country will not yet be downgraded to Alert Level 1 despite declining COVID-19 cases because of the threat of the Omicron variant.

Alert Level 2 refers to areas where case transmission is low and decreasing, healthcare utilization is low, or case

counts are low but increasing, or case counts are low and decreasing but total bed utilization rate and intensive care unit utilization rate is increasing.

Intrazonal and interzonal travel under Alert Level 2 is allowed subject to regulations of the local government unit of destination.

The establishments and/or activities allowed to operate is at a maximum of 50% indoor venue capacity for fully vaccinated individuals and those below 18 years of age, even if unvaccinated, and 70% outdoor venue capacity.

The alert level system refers to the new community quarantine classifications for dealing with COVID-19, and covers entire cities, municipalities and/or regions with the aim to manage and minimize the risk of disease transmission through the use of system indicators, triggers, and thresholds determined by the IATF.

Countries under the red list are An-

dorra, France, Monaco, Northern Mariana Islands, Reunion, San Marino, South Africa, and Switzerland.

Forty-one countries are under the green list: Bangladesh, Benin, Bhutan, British Virgin Islands, Chad, China, Comoros, Ivory Coast, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Falkland Islands (Malvinas), The Gambia, Ghana, Guinea, Hong Kong, Indonesia, Japan, Kenya, Kosovo, Kuwait, Kyrgyzstan, Liberia, Montserrat, Morocco, Oman, Pakistan, Paraguay, Rwanda, Saba (Special Municipality of the Kingdom of The Netherlands), Saint Barthélemy, Saint Pierre and Miquelon,

Senegal, Sierra Leone, Sint Eustatius, Sudan, Taiwan, Timor-Leste, Togo, Uganda, and United Arab Emirates.

Other countries not part of the red and green list are under the yellow list.

Green list countries and jurisdictions are considered as low risk for COVID-19 based on their disease incidence rate, while those on the yellow list are classified as moderate risk. Countries and jurisdictions under the red list are considered high-risk.

## DOTr, San Miguel unveil...

nnected to the existing Light Rail Transit Line 1 and MRT-3.

The 14 stations will be Quezon North Avenue Joint Station; Quezon Memorial Circle; University Avenue; Tandang Sora; Don Antonio; Batasan; Mangga-

han; Dona Carmen; Regalado; Mindanao Avenue; Quirino; Sacred Heart; Tala; and San Jose del Monte.

The MRT-7 project is expected to reduce travel time from North Avenue, Quezon City to San Jose del Monte Bulacan to just 35 minutes from the current two to three hours. It can accommodate 300,000 passengers during its first year of operations and 850,000 passengers daily by its 12<sup>th</sup> year.

The project is an integrated transit system undertaken and fully funded by SMC under a Build-Gradual Transfer-Operate,

Continued from page 4

Maintain and Manage scheme under the Build-Operate-Transfer Law.

The project agreement was signed on June 18, 2008 between DOTr and its private sector partner, Universal LRT Corporation (BVI) Ltd, which SMC partially acquired in 2010 and fully owned in 2016.

SMC started construction of MRT-7 in August 2016.



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