

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Resolution No. 304



Introduced by Rep. VINCENT FRANCO D. FRASCO

A RESOLUTION

REQUESTING THE COMMITTEE ON TRANSPORTATION TO CONDUCT AN INVESTIGATION IN AID OF LEGISLATION ON THE PROPRIETY AND LEGALITY OF MANDATING PASSENGERS AT THE PUBLIC PORT OF DANAOCITY TO PASS THROUGH THE PRIVATE WAITING LOUNGE OF SANDS GATEWAY MALL, DANAOCITY, CEBU, AND TO PAY LOUNGE FEES IN ADDITION TO TERMINAL FEES, UNJUSTLY ADDING FINANCIAL BURDEN AND UNDULY HAMPERING PASSENGERS' CONSTITUTIONAL RIGHT TO TRAVEL

WHEREAS, Section 6, Article III of the 1987 Philippine Constitution provides that the right to travel shall not be impaired except in the interest of national security, public safety, or public health, as may be provided by law;

WHEREAS, it is the policy of the State to undertake measures that will ease the process of exercising the citizens' freedom of movement, mobility rights, or the right to travel, which is a human right as provided for under Article 13 of the Universal Declaration of Human Rights;

WHEREAS, Section 9 of Republic Act No. 7621 entitled the "Charter of the Cebu Ports Authority (CPA)" provides that some of the relevant powers and functions of the CPA are: (a) to manage, administer, operate, maintain, improve and develop, coordinate and otherwise govern the activities of all the ports within its territorial jurisdiction; and (b) to raise revenues for the Authority through fees, tolls, charges, rentals and the like for the use of any property, equipment or facility owned or controlled by it, among others;

WHEREAS, the Port of Danao City is a public commercial port owned and operated by the CPA, and currently has a 150-seater passenger terminal that is in

good working condition, CPA collection office, amenity center, Roll On Roll Off (RoRo) ramp, and parking area;

WHEREAS, whenever passengers to and from the Camotes Islands would travel to and from the northern part of mainland Cebu, they have been accustomed to taking the Poro or Consuelo, Camotes – Danao City routes, and would therefore pass through the Port of Danao City and its passenger terminal which charges terminal fee in the amount of Php 5.00 per passenger;

WHEREAS, however, when Sands Gateway Mall Danao (Sands Gateway for brevity), a private establishment owned and operated by Sands Danao Realty & Development Corp., with principal office address in Sands, Poblacion, Danao City, Cebu, started its business operations adjacent the Port of Danao City, the passenger terminal of the Port of Danao City was closed to the public, and instead, passengers are required to enter through Sands Gateway Waiting Lounge and pay Lounge Fees in the amount of Twenty Pesos (Php 20.00) in addition to the terminal fees being charged by the CPA;

WHEREAS, due to the practice of requiring passengers to pass through the private Waiting Lounge of Sands Gateway to access the public Port of Danao City, transportation expenses of affected passengers have increased drastically, unjustly adding financial burden upon the latter, unduly hampering the latter's Constitutional right to travel;

WHEREAS, requiring passengers passing through the Port of Danao City to pay Php 20.00 more than the Php 5.00 that they normally would pay for terminal fees, is anti-poor and is anathema to the governance thrust of President Rodrigo Roa Duterte of uplifting and alleviating the plight of the poor;

WHEREAS, passengers do not see the necessity or benefit of using the waiting lounge of Sands Gateway, as there was a 150-seater passenger terminal available at the Port of Danao that they could use without incurring additional and unnecessary travel cost, before it was closed to make way for the Sands lounge.

WHEREAS, the CPA has the sole and exclusive jurisdiction over matters relating to the operation of the Port of Danao City and all of its activities, including the movement of its passengers therein, and Sands Gateway does not possess said authority;

WHEREAS, there is no basis under law to mandate passengers to pay Lounge Fees to Sands Gateway, a private corporation, to gain access to the Port of Danao City, a public port, which is already charging terminal fees to passengers;

WHEREAS, before assuming office as Representative of the Fifth District of Cebu, this representation sent a letter to the CPA which the latter received on May 15, 2019, inquiring into the propriety and legality of the imposition of the said lounge

fee and on the hampering of movement of passengers in the Port of Danao City. However, to date, this representation has not received any response from the CPA.

WHEREAS, before assuming office as Representative of the Fifth District of Cebu, Representative Frasco was a Commissioner of the Cebu Ports Authority. As Commissioner, Representative Frasco had the authority to approve any and all agreements between any party and the CPA. Throughout Representative Frasco's term as Commissioner, from February 2017 to October 2018, Representative Frasco does not recall any approval of any agreement between Sands Gateway and CPA, most especially on the collection of additional fees from passengers.

WHEREAS, the continued collection of lounge fees by Sands Gateway, while the Port of Danao City is being operated by the CPA, is illegal.

WHEREAS, in the interest of the welfare of affected passengers, the Department of Transportation (DOTr) and the CPA, in line with the Duterte Administration's policy to provide an affordable and safe port experience, should not only evaluate the requirements of its terminals, but more importantly, review its port operation systems;

NOW, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the House of Representatives directs the Committee on Transportation to conduct an investigation, in aid of legislation, on the propriety and legality of the collection of lounge fees by Sands Gateway from boat passengers, as well as the Port of Danao City's operations, in mandating passengers to pass through the waiting lounge of Sands Gateway, with no alternative passage therethrough; and

RESOLVED FINALLY, that the House of Representatives strongly urges the DOTr and the CPA to immediately prohibit the Sands Gateway from further collecting lounge fees from boat passengers, who are unwilling to avail of, and pay for, the establishment's facility. And, to strongly urge the DOTr and the CPA to open its terminal gates to allow passengers entering the Port of Danao City to access the same without having to pay any additional fees for said access.

Adopted.



VINCENT FRANCO D. FRASCO