

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P5:41

RECEIVED BY: *Osmeña*

S E N A T E

S. No. 458

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

The Constitution provides that the State shall adopt the generally accepted principles of international law as part of the law of the land and adhere to a policy of cooperation with all nations. It is with this same end that the Philippines has become a member of the International Civil Aviation Organization (ICAO), an organization organized to develop, promote and protect civil aviation.

Consistent with the principles set forth by ICAO, the Congress of the Republic of the Philippines on 19 June 1971 passed Republic Act 6235, otherwise known as the Anti-Hijacking Law. However, recent events such as the September 11, 2001 bombing of the World Trade Center in New York City and the ongoing American war on terror made it imperative to amend the said law so as to make it more responsive to the demands of the rapidly changing security concerns of the civil aviation industry.

For the year 2002 alone, a total of 365,138 flights took off and landed in Philippine airports. From these flights, passenger movement was estimated at 20,207,426. The Manila Domestic Airport alone recorded 124,840 flights and 5,521,601 passengers, while the Ninoy Aquino International Airport recorded 44,112 flights and 7,466,379 passengers. Other Philippine Airports are located in Ilocos Norte, Cebu, and Davao.

Considering these massive numbers, it is imperative that the state formulate a policy aimed at protecting our airports and all airlines that traverse our skies.

In view of the foregoing, early passage of this bill is earnestly requested.

S. Osmeña III

SERGIO OSMEÑA III

Senator

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P5:41

RECEIVED BY: Ordo

S E N A T E

S. No. 458

Introduced by Senator S. R. Osmeña III

AN ACT
CODIFYING THE LAWS ON CIVIL AVIATION SECURITY,
IDENTIFYING AND PENALIZING ACTS INIMICAL TO CIVIL
AVIATION AND THOSE CONSTITUTING UNLAWFUL
INTERFERENCE TO CIVIL AVIATION, PROVIDING STIFFER
PENALTIES THEREFORE AND FOR OTHER PURPOSES

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

1 **Section 1.** The short title of this Act shall be "**Civil Aviation Security**
2 **Act of 2004.**"

3 **Section 2.** The provisions of this Act shall apply to all airports,
4 International and Domestic within the jurisdiction of the Republic of the
5 Philippines, including airport navigation facilities as may be defined hereafter.

6 **Section 3. Definition of terms**

7 a) **Airport Landslide** – That area of an airport and buildings to which
8 non-traveling public has free access.

9 b) **Airport Airside** – The movement area of an airport, adjacent terrain
10 and buildings or portions thereof, access of which is controlled.

11 c) **Airport Navigation Facilities** – Any facility used in, available for use
12 in, or designed for use in, aid in air Navigation including areas, lights,
13 apparatus or equipment for disseminating weather information, for
14 signaling, for radio directional finding, or for radio or other electrical

1 communications, and any other structures or mechanism having
2 similar purpose for guiding or controlling flight in the air or the landing
3 and take-off or aircraft.

4 d) **Airline Facilities** – Any facility owned or operated by an airline
5 company actually used in the processing, booking and selling of airline
6 tickets. This excludes travel agencies or entities likewise engaged in
7 the booking and selling of airline tickets.

8 e) **Explosive** – shall mean by any substance, either solid or liquid,
9 mixture or single compound which by chemical reaction liberates heat
10 and gas at high speed and causes tremendous pressure resulting in
11 explosion. The term shall include but not limited to dynamites,
12 firecrackers, blasting caps, black powder, bursters, percussions,
13 cartridge and other explosive materials, except bullets for firearms.

14 f) **Flammable** – is any substance or material that is highly combustible
15 and self-igniting by chemical reaction and shall include but not limited
16 to acrolein, allene, aluminum diethyl monochloride, and other
17 aluminum compounds, ammonium chlorate and other ammonium
18 mixtures and similar substances or materials.

19 g) **Corrosive** – is any substance or material, either liquid, solid or
20 gaseous, which through chemical reaction wears away, impairs or
21 consumes any object. It shall include but not limited to alkaline battery
22 fluid packed with empty storage battery, allyl-chloroformate, allylic-
23 chlorosilane, ammonium dinitroresorcinol and other similar
24 substances or materials.

25 h) **Poisonous** – is any substance or materials, except medicinal drug,
26 either liquid, solid, or gaseous, which through chemical reaction, kills,
27 injures, or impairs a living organism or person and shall include but not
28 limited to allyl isothiocyanate, ammunition (chemical, non-explosive

1 but containing Class A, B or poison), aniline oil, arsine, bromzene,
2 cyanide, bromacetone, and other similar substances or materials.

3 **Section 4.** Prohibited acts within airport landside areas. -

4 a) It shall be unlawful for any person who, without proper authority
5 therefore, shall park or leave any vehicle in any area within the airport
6 landside area other than the designated parking areas.

7 b) It shall be unlawful for any reason to leave any untagged and
8 unidentifiable baggage including enclosed or wrapped items unattended at
9 the airport landside.

10 **Section 5.** Any person who violates the provision of Section 4 hereof
11 shall be punished with a fine of Five Thousand (P5,000.00) pesos and/or
12 imprisonment of ten (10) days at the discretion of the court. Furthermore, airport
13 authorities shall have the right to confiscate and open baggage, or enclosed
14 wrapped items, and tow, and open vehicles for the purpose of searching at the
15 owner's expense. If the confiscated or searched baggage or vehicle however is
16 found to contain unlicensed firearms, ammunitions, poisonous, flammable,
17 corrosive, and explosive substances as defined in Section 3 hereof, then the
18 penalties of both fine and imprisonment shall be imposed without prejudice to the
19 applicable provisions of the Revised Penal Code and other special penal laws.

20 **Section 6.** It shall be unlawful for any person to enter by any means in
21 the airport airside without any authority therefore. Any person found guilty
22 thereof shall be imprisoned for a period of not more than thirty (30) days. If an
23 offense provided hereunder is committed after this unlawful entry then the
24 penalty thereof shall be imposed in the maximum.

25 **Section 7.** Internationally destroying or damaging airport navigation
26 facilities is considered a serious violation of airport and aviation security and
27 safety. As such any person found guilty thereof shall in addition to his civil
28 liability brought about by his culpability be punished with an imprisonment of not
29 less than six (6) years but not more than twelve (12) years. If however, the

1 damage caused resulted serious or less serious physical injuries to any person
2 within the airport landside or airside, the penalty shall be from twelve (12) to
3 twenty (20) years imprisonment. When the same however results to death, then
4 the penalty of life imprisonment shall be imposed.

5 **Section 8.** Prohibited acts within an aircraft:

6 A. *Hijacking* – The following shall constitute acts of hijacking:

7 8.1) It shall be unlawful for any person to compel a change in the course
8 or destination of an aircraft of Philippine Registry, or to seize or
9 usurp the control thereof, while it is in flight. An aircraft is in flight
10 from the moment all its external doors are closed following
11 embarkation until any of such doors is opened for disembarkation.

12 8.2) It shall likewise be unlawful for any person to compel an aircraft of
13 foreign registry to land in Philippine Territory or to seize or usurp
14 the control thereof while it is within the said territory.

15 **Section 9.** Any person violating any provision of the immediately
16 preceding section shall be punished by an imprisonment of not less than twelve
17 (12) years but not more than twenty (20) years. The penalty of imprisonment of
18 fifteen (15) years to life shall be imposed to any person under any of the following
19 circumstances:

20 A. *Commandeering* – the following acts shall constitute acts of
21 commandeering:

22 1. Whenever he has fired upon the pilot, member of the crew or
23 passenger of the aircraft;

24 2. Whenever he has exploded or attempted to explode any bomb or
25 explosive to destroy the aircraft; or

26 3. Wherever the crime is accompanied by murder, homicide, serious
27 physical injuries or rape.

1 **Section 10.** Whenever the acts under sub-paragraph 8.1 of Section 8 is
2 committed while the aircraft is not in flight, the penalty prescribed by Section 9
3 shall be imposed on the offender.

4 **Section 11.** It shall be unlawful for any person to carry any firearm within
5 the airport airside and inside any aircraft. The carrying of firearms by authorized
6 persons shall be in accordance with the rules and regulations issued by the
7 airport security authorities. Any person violating this provision shall be punished
8 with not less than ten (10) years and not more than twenty (20) years
9 imprisonment. For the purpose of this provision, airport security authorities shall
10 be composed as follows:

11 a) On airports with original charter:

- 12 1. The Airport General Manager
- 13 2. ASG Commander
- 14 3. Chief, Airport Police
- 15 4. AGM, Security

16 b) On airports without original charter:

- 17 1. The Airport General Manager
- 18 2. ASG Commander
- 19 3. Chief, Security Office

20 **Section 13.** It shall be unlawful for any person, natural or judicial to ship,
21 load or carry in any passenger aircraft operating as a public utility within the
22 Philippines, any explosive, flammable, corrosive or poisonous substance or
23 material.

24 The shipping, loading or carrying of any substance or mentioned in the
25 preceding paragraph in any cargo aircraft operating as public utility within the
26 Philippines shall be in accordance with the regulations issued by the Civil
27 Aeronautics Board (CAB).

28 **Section 14.** Any violation of Section 13 and 14 hereof shall be punishable
29 by an imprisonment of at least eight (8) years but not more than twelve (12)

1 years imprisonment. Provided, that if the violation is committed by a juridical
2 person, the penalty shall be imposed upon the manager, representative, director,
3 agent or employee of the carrier, shipper or forwarding agent who violated,
4 caused, directed, cooperated or participated in violation thereof; provided further,
5 that in case of violation is committed in the interest of foreign corporation legally
6 doing business in the Philippines, the penalty shall be imposed upon its resident
7 agent, manager, representative or director responsible for such violation and in
8 addition thereto, the license of said corporation to do business in the Philippines
9 shall be revoked.

10 For the purpose of this Section and Section 12 thereof, or attempt to ship,
11 load, or carry any firearms, explosive, flammable, corrosive or poisonous
12 substances shall carry the same penalty as the actual shipping, loading or
13 carrying of the same.

14 **Section 15.** Aircraft Companies and forwarding firms operating within the
15 jurisdiction of the Republic of the Philippines shall have no obligation to open
16 packages and cargoes in the presence of the owner or shipper, of his authorized
17 representative to determine whether or not the package or cargoes to be shipped
18 contain articles or merchandize prohibited under this act; provided, that if the
19 owner, shipper or representative refuses to have the same open and inspected,
20 the airline or forwarder is authorized to refuse the loading or forwarding of the
21 same; provided finally that the failure of the responsible airline officer or
22 forwarder to detect the presence of prohibited merchandize or articles shall be
23 *prima facie* proof of their complicity.

24 **Section 16.** *Unlawful interference* – In addition to the acts already
25 penalized above, the following acts constitute interference to civil aviation;

- 26 a) Violence against a person on board an aircraft in flight, if that
27 act is likely to endanger the safety of that aircraft;
- 28 b) Communicating information which is known to be false, thereby
29 endangering the safety of an aircraft in flight;

1 c) Performing an act of violence against a person at an airport
2 serving civil aviation which causes or is likely to cause serious
3 injury or death.

4 d) Destroying or seriously damaging the facilities of an airport
5 serving civil aviation or aircraft not in service located thereon or
6 disrupting the services of the airport.

7 Anybody found guilty of violating a and c above shall be punished with a
8 penalty of not less than twelve (12) years imprisonment. If death, physical
9 injuries or damage to aircraft occurs by reason of or on occasion thereof, then
10 the penalty of life imprisonment shall be imposed.

11 Violation of the above shall, in addition to civil liability of the offender be
12 punished with no less than twelve (12) years imprisonment. If death, physical
13 injuries or damage to aircraft occurs by reason of or on occasion thereof, then
14 the penalty of life imprisonment shall be imposed.

15 For the purpose of avoiding the occurrence of the commission of acts of
16 unlawful interference to civil aviation, Airline companies, Air Transportation
17 Office, Airport Managers and Aviation Security Personnel shall strictly adhere
18 and observe the stringent provisions of the Philippine National Civil Aviation
19 Security Programme adopted by the Philippine Government in September 1995.
20 Responsible officers of the Airline companies, Air Transportation Office, Airport
21 Management and Aviation Security Personnel who violates the civil aviation
22 security programme shall be punished with imprisonment of not less than one (1)
23 year but not more than five (5) years in the event of acts of unlawful interference
24 to civil aviation occurs by reason thereof. In case of complicity however with the
25 perpetrator of the acts of unlawful interference, then the penalty to be imposed is
26 the same as that of the perpetrator.

27 **Section 17.** For a thorough implementation of the airport security
28 program, any design, construction and improvement of new or existing airports

1 shall be made with prior consultation with the Philippine National Police Aviation
2 Security Group to reflect a workable and secure airport.

3 **Section 18.** For the purpose of this act, the PNP Aviation Group shall be
4 primarily responsible for the enforcement of the provisions of this Act. Any pass
5 or authority to be given to any person to gain access to airport working and
6 restricted areas shall be with prior approval of the PNP Aviation Security Group.

7 **Section 19.** All laws, decrees, rules and regulation which are inconsistent
8 with this act are hereby repealed or modified accordingly.

9 **Section 20.** This Act shall take effect thirty (30) days after its publication
10 in newspapers of general circulation.

11 Approved,