



Senate  
Office of the Secretary

SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session*

'17 FEB 20 P3:06

SENATE

RECEIVED BY: 

S. B. No. 1336

Introduced by Senator JUAN MIGUEL F. ZUBIRI

AN ACT  
PROTECTING THE RIGHTS OF AIRLINE PASSENGERS AND  
ESTABLISHING THE DUTIES AND LIABILITIES OF AIRLINE CARRIERS

EXPLANATORY NOTE

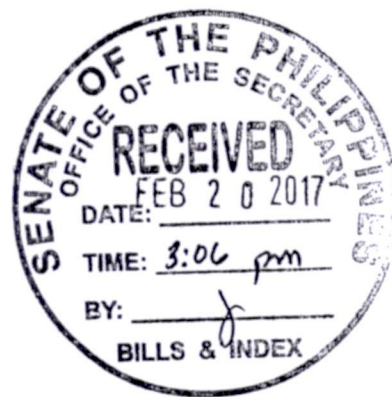
It has been the policy of the State to protect consumers and afford them all possible means to protect their rights and interests in buying products as well as availing of services.

The advent of the boom of the airline transportation signified it as the most effective means and convenient way of transportation. The industry caters to all classes and types of commuters and travelers. Correlative with this, however, is the increasing problems faced by airline passengers, such as: flight delays of airline carriers; overbooking of airline carriers; baggage losses; disappearances of reservations; difficulty of refunds and many others.

This bill primarily aims to lay down the rights of airline passengers and afford them protection in case of violations thereof. It also seeks to clarify and specify the liabilities of airline companies with the end view of harmonizing and balancing both the rights and liabilities of the airline companies and the passengers for the development and improvement of the airline industry.

Thus, approval of this Bill is earnestly sought.

  
JUAN MIGUEL F. ZUBIRI



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

3  
4           **SECTION 1. Title.**       This Act shall be known as "*Airline Passengers Protection*  
5 *Act of 2017.*"

6  
7           **SECTION 2. Definition of Terms.** For the purpose of this Act, the terms:

- 8  
9           a) "Airline Carrier" – or Air Carrier refers to a person, corporation, firm or  
10           association, engaged, whether directly or indirectly or by a lease or any other  
11           arrangement, in the business of carrying or transporting passengers or goods by  
12           air, offering its services to the public;  
13  
14           b) "Air Transportation" – refers to a transportation system for moving passengers  
15           and/or goods by air. It also refers to domestic, overseas, or foreign air  
16           transportation;  
17  
18           c) "Covered Air Carrier" – refers to an air carrier conducting scheduled passenger  
19           air transportation within the Philippines;  
20  
21           d) "Chronically Delayed Flight" – refers to a regularly scheduled flight in air  
22           transportation that has failed to arrive within thirty (30) minutes of the scheduled  
23           arrival time of the flight at least forty (40) percent of time during the most recent  
24           three-month period for which data is available;  
25  
26           e) "Department" – refers to the Department of Transportation;  
27  
28           f) "Bumping" – refers to the denial of a seat on a plane when there is confirmed  
29           reservation. It results from overbooking, an airline practice designed to fill the  
30           empty seats that "no-show" passengers leave behind by overselling tickets;  
31

- 1 g) Oversales – is the practice of airlines to sell more tickets than the available seats  
2 on a specific flight in anticipation that there will be “no-show” passengers;  
3  
4 h) Passenger – refers to a person who holds an airline ticket or contract of carriage;  
5 and  
6  
7 i) Tarmac Delay – refers to the holding of an aircraft on the ground before taking off  
8 or after landing without opportunity for its passengers to deplane.  
9

10 **SECTION 3. *Passenger's Rights.*** An airline passenger shall have the following  
11 rights:  
12

- 13 a) **Disclosure of Service Offered.** – A passenger shall have the right to be  
14 correctly informed of the ticket price, the right and circumstances of travel in a  
15 timely and relevant manner before his/her travel, during and after the travel, and  
16 in case of disruption, delay or cancellation.  
17  
18 b) **Confirmed Reservation.** – A passenger with confirmed reservation cannot be  
19 denied of boarding the plane. A reservation is confirmed if there is a record in the  
20 airline's computer system, absence of which a valid ticket may be presented. An  
21 airline passenger with a confirmed reservation is confirmed on the flight even if  
22 there is no record of the reservation in the airline's computer system. Provided,  
23 that the passenger presents a valid ticket.  
24  
25 c) **Refunds.** – Airline tickets paid for with cash must be refunded immediately by  
26 the carrier or travel agency net of any applicable charges or cancellation fees. In  
27 cases of cancellation of a refundable ticket purchased through credit card, the  
28 refund shall be issued as a credit on the same card used to make the purchase.  
29 If purchased with a personal check, refund shall be through mail. In cases of  
30 non-refundable fare, a passenger may apply the fare paid toward future flights,  
31 net of any applicable charges or cancellation fees.  
32  
33 d) **Delays and Cancellations.** - An airline carrier shall provide for the essential  
34 needs of passengers on board the aircraft. If the flight is cancelled, the  
35 passenger shall be booked on the next available flight. If the flight is cancelled or  
36 delayed, the passenger shall be entitled to services such as but not limited to  
37 meals and refreshments, phone calls, comfortable place for waiting or  
38 accommodations in case of overnight delay.  
39  
40 e) **Bumping.** - If a passenger is involuntarily bumped off, said passenger may opt  
41 for a full refund in case he/she will not be booked within 12 hours from his/her  
42 original flight. Said passenger shall be entitled to a reduced refund if the airline  
43 carrier is able to arrange alternative transportation that will get him/her to his/her  
44 destination within two (2) hours of originally scheduled arrival time.  
45

46 **SECTION 4. *Duties and Liabilities of Airline Carriers.*** It shall be the duty and  
47 liability of airline carriers to:  
48

1 a) **Disclosure of Service Offered.** – The airline shall disclose all the terms and  
2 conditions of sales, whether regular or promotional, to passengers before the  
3 purchase of any ticket for a contract of carriage.  
4

5 b) **Confirm Reservation.** - The airline shall disclose its policy and procedure for  
6 managing the inability to board all passengers who have confirmed reservations  
7 on a flight and who have met the carrier's check-in deadline and other  
8 requirements specified in the carrier's contract of carriage. Such disclosure shall  
9 also provide for the criteria for establishing which passengers shall be denied  
10 boarding involuntarily.

11 Passengers denied boarding shall be entitled to compensation by cash or  
12 vouchers, or alternative transportation to the passenger's ultimate destination by  
13 the same or another carrier. Provided, that the passenger shall be informed of  
14 the procedures and terms for offering compensation by cash or vouchers, before  
15 he/she agrees to give up his/her seat. Provided further, that the passenger  
16 denied boarding voluntarily or involuntarily shall be informed of all other benefits  
17 due him/her.

18 Provided finally, that the air carrier shall compensate "bumped" passengers or  
19 passengers delayed due to flight cancellations or delays of over twelve (12)  
20 hours by refund of 150 percent (150%) of ticket price.

21 c) **Delays.** - Notify passengers within ten (10) minutes of a delay of known  
22 diversions, delays and cancellations via airport overhead announcement, on-  
23 aircraft announcement and posting on airport television monitors.  
24

25 d) Establish and disclose the procedure for returning passengers to terminal gate  
26 when delays occur so that no plane sits on the tarmac for longer than three (3)  
27 hours without connecting to a gate.  
28

29 e) Provide for the essential needs of passengers during air or ground-based delays  
30 of longer than (2) two hours, including meals and refreshments, sanitary facilities  
31 and access to medical attention.  
32

33 f) Provide for the needs of disabled, elderly and special-needs passengers by  
34 establishing procedures for assisting with the moving and retrieving of baggage,  
35 and the moving of passengers from one area of airport to another at all times by  
36 airline personnel.  
37

38 g) Publish and update monthly on the company's public web site a list of chronically  
39 delayed flights, meaning those flights delayed by thirty (30) minutes or more, at  
40 least forty percent (40%) of the time, during a single month.  
41

42 h) Make lowest fare information, schedules and itineraries, cancellation policies and  
43 frequent flier program requirements available in an easily accessed location and  
44 updated in real time.  
45

46 i) **Baggage.** – Ensure that baggage is handled without delay or injury; if baggage is  
47 lost or misplaced, the airline shall notify customer of baggage status within twelve  
48 (12) hours and provide compensation equal to current market value of baggage  
49 and its contents; Provided, that the carrier shall make its best effort to deliver  
50 passenger's checked baggage within twenty-four (24) hours after arrival of the  
51 flight on which the passenger travelled and on which the passenger checked-in  
52 the baggage.  
53

- 1 j) Refunds. – To process and pay all fully documented cash refund request within a  
2 reasonable period of time not to exceed fifteen (15) working days and to inform  
3 refund claimants promptly, but not later than twenty (20) workings days after  
4 refund request is received, of any further information that is necessary to process  
5 refund.  
6
- 7 k) Passenger Complaints. – Establish and disclose the procedure to respond to all  
8 passenger complaints within twenty four (24) hours and with appropriate  
9 resolution within a week; Provided, that such response shall include a description  
10 of the compensation or recourse available to the complainant.  
11
- 12 l) Consumer Complaint Report. – Air carriers are mandated to submit to the Civil  
13 Aviation Board, under oath, a quarterly Consumer Complaint Report that shows  
14 the total number of letters and/or email messages received during a specific  
15 quarter complaining about the service, to be categorized as follows:  
16 1) Flight problems involving missed connections, diversions, cancellations, delay  
17 leaving gates, delay after leaving gates but before take-off, delay after landing  
18 but before deplaning, and arrival delay;  
19 2) Oversales;  
20 3) Reservations and ticketing;  
21 4) Fares;  
22 5) Refunds;  
23 6) Baggage;  
24 7) Customer Service;  
25 8) Discrimination;  
26 9) Advertising; and  
27 10) Miscellaneous.

28 **SECTION 5. Department of Transportation (DOTr).** – The Department, through  
29 the Civil Aviation Board (CAB), shall have the power to monitor the compliance of all  
30 airline carriers with the provisions of this Act.  
31

32 **SECTION 6. Implementing Rules and Regulations.** – Not later than 180 days after  
33 the date of enactment of this Act, the Secretary of the Department, through the CAB,  
34 shall issue final regulations to carry out the provisions of this Act.  
35

36 **SECTION 7. Penalties.**  
37

- 38 a) Any air carrier who violates the provisions of this Act shall give the affected  
39 passenger an amount of not less than Ten Thousand Pesos (P10,000.00) but not  
40 more than Thirty Thousand Pesos (P30,000.00) depending on the severity of the  
41 offense caused.  
42
- 43 b) If the air carrier has a chronically delayed flight record for a particular quarter, the  
44 fine of Five Million Pesos (P5,000,000.) shall be imposed by the Civil Aeronautics  
45 Board.  
46
- 47 c) In case of grave and repetitive violations, the penalty shall be the suspension or  
48 revocation of the certificate of public convenience of the domestic carrier, after  
49 the Department shall have conducted a hearing into the matter.  
50

51  
52 **SECTION 8. Separability Clause.** - If for any reason any provision of this Act is  
53 declared unconstitutional or invalid, such parts or portions not affected thereby shall  
54 remain in full force and effect.  
55

1       **SECTION 9. *Repealing Clause*** . - All laws, executive orders, presidential decrees,  
2 and rules and regulations or parts thereof inconsistent with the provisions of this Act are  
3 hereby repealed or modified accordingly.

4  
5       **SECTION 10. *Effectivity***. - This Act shall take effect fifteen (15) days after its  
6 publication in at least two (2) newspapers of general circulation.

7  
8 Approved,