



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

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SENATE

SENATE BILL NO. 660

INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

EXPLANATORY NOTE

Clearly stipulated under the 1987 Philippine Constitution, Article XVI, Section 9, which provides:

"The State shall protect consumers from trade malpractice and from substandard or hazardous product".

The Philippine airline industry has been growing by leaps and bounds as air travel becomes the preferred mode of transportation because it is the most convenient way of reaching a destination. At present, the number of airline passengers continues to soar and multiply annually.

But growth of the industry is not without a price. Simultaneous with the increase in passenger figures is resurgence in the number of problems faced by the airline passenger. Everyday, passengers are faced with difficulties, ranging from poor services, delays and cancellation of flights, baggage loss, disappearance of reservations, and many others.

This bill seeks to address these problems by establishing a national policy of fair treatment of airline travelers that prohibits unfair and deceptive practices and unfair methods of competition by air carriers.

JOSEPH VICTOR G. EJERCITO



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AN ACT ESTABLISHING THE RIGHTS OF AIRLINE PASSENGERS BY PROVIDING STANDARDS FOR AIRLINE CARRIER SERVICES

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

SECTION 1. *Short Title.* - This Act shall be known as the "***Airline Passenger Bill of Rights Act 2013***".

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

- (A) "*Air Carrier*" means any citizen of the Philippines who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation.
- (B) "*Air Transportation*" means domestic, overseas, or foreign air transportation.
- (C) "*Confirmed Reserved Space*" means a space on a specific date and on a specific flight and class of service carrier which has been requested by a passenger and which the carrier or its agent has verified, by appropriate notation on the ticket or in any other manner provided by the carrier, as being reserved for the accommodation of the passenger.
- (D) "*Foreign Air Carrier*" means any person, not a citizen of the Philippines, who undertakes, whether directly or indirectly or by any other arrangement, to engage in foreign air transportation.
- (E) "*Secretary*" means the Secretary of Transportation and Communications.
- (F) "*Ticket Agent*" means any person, not a carrier or a foreign air carrier and not a bona fide employee of an air carrier or

foreign air carrier, who, as principal agent, sells or offers for sale any air transportation, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts or arranges for, such transportation.

- (G) "*Chronically Delayed Flight*" means a regularly scheduled flight in air transportation that has failed to arrive within 30 minutes of the scheduled arrival time of the flight at least 40 percent of the time during the most recent-month period for which data is available.

SECTION 3. *Standards for Air Carrier Passenger Services.* -

- (A) *Passenger Complaints.* - A covered air carrier shall establish and implement procedures for handling complaints from passengers of the air carrier.
- (B) *Duty of the Secretary.* - On the initiative of the Secretary of the complaint of an air carrier, foreign air carrier, or ticket agent, and if the Secretary considers it is in the public interest, the Secretary may investigate and decide whether an air carrier, foreign air carrier, or ticket agent has been engaged in an unfair or deceptive practice or an unfair method of competition in air transportation or the sale of air transportation. If the Secretary, after notice and opportunity for a hearing, finds that an air carrier foreign air carrier, or ticket agent is engaged in an unfair or deceptive practice or an unfair method of competition, the Secretary shall order the air carrier, foreign air carrier, or ticket agent to stop the practice or method.
- (C) *Specific Practices.* - For purposes of paragraph (B), the terms 'unfair or deceptive practice' and 'unfair method of competition' include an air carrier's failure -
- (1) To inform a ticketed passenger, upon request, whether the flight on which the passenger is ticketed is overloaded;
 - (2) To permit a passenger's holding a confirmed reserved space on a flight to use portions of that passenger's ticket for travel, rather than the entire ticket, regardless of the reason any other option of the ticket is not used;
 - (3) To deliver a passenger's checked baggage within twenty-four (24) hours after arrival of the flight on which the passenger traveled and on which the passenger checked the baggage, except for reasonable delays in delivery of such baggage;
 - (4) To provide a consumer full access to all fares for that carrier, regardless of the technology the consumer uses

to access the fares if such information is requested by that consumer;

- (5) To disclose, without being requested, the on-time performance for a chronically delayed flight of the air carrier whenever a customer makes a reservation or purchases a ticket on such a flight;
- (6) To publish lowest fare information, and information on schedules and itineraries, with respect to regularly scheduled flights of the air carrier in air transportation. Such information shall be updated in a timely manner and shall be made available to the public on the Internet website of the air carrier;
- (7) To provide notice to each passenger holding a confirmed reserved space on a flight with reasonable prior notice when a scheduled flight will be delayed for any reason other than reasons for national security;
- (8) To inform the passenger accurately and truthfully of the reason for the delay, cancellation or diversion of a flight. In complying with this provision, the air carrier shall use overhead announcements, on aircraft announcements, and postings on airport television monitors;
- (9) To refund the full purchase price of the unused ticket if the passenger requests a refund within forty-eight (48) hours after the ticket is purchased;
- (10) To disclose to consumer information that would enable them to make informed decisions about the comparative value of frequent flyer programs among airlines, including -
 - (a) The number of seats redeemable on each flight; and
 - (b) The percentage of successful and failed redemption on each airline and on each flight;
- (11) To provide for the essential needs of passengers at all times during which the aircraft is on the ground in the event of a departure delay, including the needs of passengers for food, water, sanitary facilities, medical access, adequate ventilation, and comfortable cabin temperatures.

SECTION 4. *Report.* The Secretary shall include information about violation of Section 3 by air carriers in Air Travel Consumer Report which shall be published monthly by the Department of Transportation and Communications.

SECTION 5. *Procedures for Departure Delays.* -

- (A) *Procedures to Permit Pilots to Return to Airport Terminals.* - The Secretary shall work in coordination

with air carriers to ensure that a pilot operating an aircraft in a flight in air transportation that is affected by a long departure delay is permitted to return the aircraft to the airport terminal to allow the passengers to exit the aircraft without losing the position of the flight in the departure sequence.

(B) *Contingency Plans for Weather Emergencies.* –

- (1) *Coordination of Plans* – The Secretary shall review the emergency contingency plans of air carriers and ensure that the plans will effectively address weather emergencies in a coordinated manner.
- (2) *Meeting* – In carrying out this subsection, the Secretary shall convene a meeting of representatives of air carriers, airports and the Civil Aviation Authority of the Philippines (CAAP) to develop to develop procedures to better respond to weather emergencies resulting in long departure delays.

SECTION 6. *Implementing Rules and Regulations.* – Within ninety (90) days after the enactment of this Act, the Secretary in consultation with the Civil Aviation Authority of the Philippines and the Civil Aeronautics Board shall make rules and regulations implementing the provisions of this Act.

SECTION 6. *Penalties.* – Any violation of Section 3 of this Act shall result to a suspension of the certificate of public convenience of the domestic carrier, or the license to operate a foreign air carrier, or a fine of Two Hundred Thousand Pesos (P 200,000) or both.

In case of grave and repetitive violations, the penalty shall be revocation of the Certificate of Convenience of the domestic carrier or the license to operate of a Foreign Air Office and the Civil Aeronautics Board, shall have conducted a hearing into the manner.

SECTION 7. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision thereof shall remain valid and subsisting.

SECTION 8. *Repealing Clause.* – Any law, presidential decree, issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

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

Approved,