

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



Senate  
Office of the Secretary

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SENATE  
S. No. 1989

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Introduced by Senator Miriam Defensor Santiago

#### EXPLANATORY NOTE

The Constitution, Article 2, Section 5 provides:

Sec. 5. xxx The promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Article 16, Section 9 provides:

Section 9. The State shall protect consumers from malpractices and from substandard or hazardous products.

With the rise of the World Wide Web and increased accessibility of internet services, travel arrangements to various destinations have become easier to accomplish. Today, travel arrangements can be done online. Many airlines and other travel companies already sell directly to passengers through their websites; similarly, travel agencies have developed an internet presence by creating travel websites, with detailed information and online booking capabilities.

In the Philippines, the purchase of travel packages and tours are also done through group buying web sites. Group buying, also known as “collective buying” is a type of business that sells different products and services to its buyers on a discounted price, on a condition that the sellers would meet a specified quota of buyers. Group buying websites have emerged as a major player in online shopping business.

This bill seeks to protect the health and safety of consumers by requiring all site operators of locally-hosted travel or shopping websites to provide information regarding the health and safety risks that may be associated with a particular travel destination.

The bill also requires the website to have a mechanism for complaints and feedback in order to alert all other consumers who may have had unfortunate experiences with that particular site.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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<sup>1</sup> This bill was filed in the US House of Representatives by Rep. Markey as H.R.1370 -- International Travelers Bill of Rights Act of 2013.

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1 AN ACT  
2 TO REQUIRE SITE OPERATORS OF LOCALLY-HOSTED WEBSITES TO  
3 PROVIDE INFORMATION REGARDING HEALTH AND SAFETY RISKS  
4 ASSOCIATED WITH TRAVEL DESTINATIONS MARKETED ON THEIR  
5 WEBSITES.  
6

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

7 SECTION 1. *Short Title.* - This Act shall be known as the "Online Travel Safety  
8 Act."

9 SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State  
10 protect the health and safety of the consumer; it shall also protect the consumer against  
11 deceptive sales acts or practices. As such, the State shall regulate the sale, marketing and  
12 advertisement of travel services online.

13 SECTION 3. *Definition of Terms.* - For purposes of this act, the following terms  
14 shall have the corresponding meaning:

15 A) "Site Operator" shall refer to an individual or entity that operates a locally-  
16 hosted website that provides access to travel services. Such term includes local  
17 and overseas vacation destinations or a third party that operates a website that  
18 offers international and local travel services.

19 B) "DTI" shall refer to the Department of Trade and Industry.

20 C) "DFA" shall refer to the Department of Foreign Affairs.

1 D) "DOH" shall refer to the Department of Health.

2 SECTION 4. *Providing Information Regarding The Potential Health and Safety*  
3 *Risks Associated with International and Local Travel Destinations.* –

4 A) *In General* - A site operator shall provide information on its website to  
5 consumers in a clear and conspicuous manner regarding the potential health  
6 and safety risks associated with travel destinations marketed on its website, if  
7 any, including the following:

8 (1) Information compiled by the Department of Foreign Affairs and  
9 Department of Tourism regarding international and local travel warnings  
10 and alerts.

11 (2) Information compiled by the Dept. of Health regarding travel and  
12 destination health alerts.

13 (3) Information regarding the onsite health and safety services that are  
14 available to consumers at each travel destination, including whether the  
15 destination--

16 (a) employs or contracts with a physician or nurse on the premises to  
17 provide medical treatment for guests;

18 (b) employs or contracts with personnel, other than a physician,  
19 nurse, or lifeguard, on the premises who are trained in  
20 cardiopulmonary resuscitation;

21 (c) has an automated external defibrillator and employs or contracts  
22 with 1 or more individuals on the premises trained in its use; and

23 (d) employs or contracts with 1 or more lifeguards on the premises  
24 trained in cardiopulmonary resuscitation, if the overseas vacation  
25 destination has swimming pools or other water-based activities on its  
26 premises, or in areas under its control for use by guests.

1 B) *Services Not Available 24 Hours a Day* - If the onsite health and safety  
2 services at a travel destination are not available 24 hours a day, 7 days a week,  
3 the site operator shall display the hours and days of availability on its Web site  
4 in a clear and conspicuous manner.

5 C) *Information Not Available* - If the onsite health and safety services described  
6 in subsection (A)(3) are not available at an overseas vacation destination, or if  
7 the site operator does not possess information on the onsite health and safety  
8 services required to be displayed on its Web site, the site operator shall display  
9 in a clear and conspicuous manner the following: "This destination does not  
10 provide certain health and safety services, or information regarding such  
11 services is not available. Travel to this destination may pose an increased risk  
12 to your health or safety."

13 SECTION 5. *Consumer Complaints.* -

14 (A) *Suspension.* - A site operator shall establish a process under which a <sup>M</sup>overseas  
15 travel destination will be suspended from its website as a result of complaints  
16 from consumers to the site operator regarding poor medical care, unsafe or  
17 unsanitary facilities, or other health-related issues with respect to such  
18 destination.

19 (B) *Public Availability* - A site operator shall make all complaints submitted by  
20 consumers publicly available on its website and may modify the contents of  
21 such complaints at the request of the complainant or may remove offensive  
22 language and personal identification information.

23 SECTION 6. *Penalties.* - Any person who violates any of the provisions of this  
24 Act shall, upon conviction, be subject to imprisonment of not less than one (1) year but  
25 not more than five (5) years, or a fine of not less than Five thousand pesos (P5,000.00)

1 but not more than Ten thousand pesos (P10,000.00), or both such imprisonment and fine,  
2 in the discretion of the Court. Should the offense be committed by a juridical person, the  
3 Chairman of the Board of Directors, the President, General Manager, or the partners  
4 and/or persons directly responsible therefor shall be penalized.

5 SECTION 7. *Implementing Agency*. - The Department of Trade and Industry shall  
6 enforce the provisions of this Act,

7 SECTION 8. *Implementing Rules and Regulations (IRR)*. - The Department of  
8 Trade, in consultation with the Department of Tourism, Department of Health and  
9 Department of Foreign Affairs, shall promulgate the IRR within three (3) months from  
10 the effectivity of this Act. Thereafter, the amount necessary for the continuous operation  
11 of this Act shall be included in the annual appropriation of the DTI.

12 SECTION 9. *Appropriations*. — To carry out the provisions of this Act, such  
13 amount as may be necessary is hereby authorized to be appropriated from the National  
14 Treasury. Thereafter, the amount necessary for the continuous operation of this Act shall  
15 be included in the annual appropriation of the DTI.

16 SECTION 10. *Separability Clause*. - If any provision or part hereof, is held invalid  
17 or unconstitutional, the remainder of the law of the provision not otherwise affected shall  
18 remain valid and subsisting.

19 SECTION 11. *Repealing Clause*. - Any law, presidential decree or issuance,  
20 executive order, letter of instruction, administrative order, rule or regulation contrary to,  
21 or inconsistent with, the provisions of this Act is hereby repealed, modified or amended  
22 accordingly.

23 SECTION 12. *Effectivity Clause*. - This Act shall take effect fifteen (15) days after  
24 its publication in at least two (2) newspapers of general circulation.

Approved,

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