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REPUBLIC OF THE PHILIPPINES)
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SENATE

SENATE BILL NO. 896

BY:

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

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

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

1 SECTION 1. *Short Title.* - This Act shall be known as the "*Airline Passenger Bill of*
2 *Rights Act 2016*".
3
4

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

7 (a) "*Air Carrier*" means any citizen of the Philippines who undertakes, whether
8 directly or indirectly or by a lease or any other arrangement, to engage in air
9 transportation.
10

11 (b) "*Air Transportation*" means domestic, overseas, or foreign air transportation.
12

13 (c) "*Confirmed Reserved Space*" means a space on a specific date and on a specific
14 flight and class of service carrier which has been requested by a passenger
15 and which the carrier or its agent has verified, by appropriate notation on the
16 ticket or in any other manner provided by the carrier, as being reserved for
17 the accommodation of the passenger.
18

19 (d) "*Foreign Air Carrier*" means any person, not a citizen of the Philippines, who
20 undertakes, whether directly or indirectly or by any other arrangement, to
21 engage in foreign air transportation.
22

23 (e) "*Secretary*" means the Secretary of Transportation and Communications.
24

25 (f) "*Ticket Agent*" means any person, not a carrier or a foreign air carrier and
26 not a bona fide employee of an air carrier or foreign air carrier, who, as

1 principal agent, sells or offers for sale any air transportation, or negotiates for,
2 or holds himself out by solicitation, advertisement, or otherwise as one who
3 sells, provides, furnishes, contracts or arranges for, such transportation.
4

- 5 (g) "*Chronically Delayed Flight*" means a regularly scheduled flight in air
6 transportation that has failed to arrive within 30 minutes of the scheduled
7 arrival time of the flight at least 40 percent of the time during the most recent-
8 month period for which data is available.
9

10
11 SECTION 3. *Standards for Air Carrier Passenger Services.* -
12

- 13 (a) *Passenger Complaints.* - A covered air carrier shall establish and implement
14 procedures for handling complaints from passengers of the air carrier.
15

- 16 (b) *Duty of the Secretary.* - On the initiative of the Secretary of the complaint of an
17 air carrier, foreign air carrier, or ticket agent, and if the Secretary considers it
18 is in the public interest, the Secretary may investigate and decide whether an
19 air carrier, foreign air carrier, or ticket agent has been engaged in an unfair or
20 deceptive practice or an unfair method of competition in air transportation or
21 the sale of air transportation. If the Secretary, after notice and opportunity for
22 a hearing, finds that an air carrier foreign air carrier, or ticket agent is engaged
23 in an unfair or deceptive practice or an unfair method of competition, the
24 Secretary shall order the air carrier, foreign air carrier, or ticket agent to stop
25 the practice or method.
26

- 27 (c) *Specific Practices.* - For purposes of paragraph (B), the terms 'unfair or
28 deceptive practice' and 'unfair method of competition' include an air carrier's
29 failure -
30

- 31 (1) To inform a ticketed passenger, upon request, whether the flight on
32 which the passenger is ticketed is overloaded;
33 (2) To permit a passenger's holding a confirmed reserved space on a flight
34 to use portions of that passenger's ticket for travel, rather than the
35 entire ticket, regardless of the reason any other option of the ticket is
36 not used;
37 (3) To deliver a passenger's checked baggage within twenty-four (24)
38 hours after arrival of the flight on which the passenger traveled and on
39 which the passenger checked the baggage, except for reasonable delays
40 in delivery of such baggage;
41 (4) To provide a consumer full access to all fares for that carrier, regardless
42 of the technology the consumer uses to access the fares if such
43 information is requested by that consumer;
44 (5) To disclose, without being requested, the on-time performance for a
45 chronically delayed flight of the air carrier whenever a customer makes
46 a reservation or purchases a ticket on such a flight;

- 1 (6) To publish lowest fare information, and information on schedules and
2 itineraries, with respect to regularly scheduled flights of the air carrier
3 in air transportation. Such information shall be updated in a timely
4 manner and shall be made available to the public on the Internet
5 website of the air carrier;
- 6 (7) To provide notice to each passenger holding a confirmed reserved
7 space on a flight with reasonable prior notice when a schedule flight
8 will be delayed for any reason other than reasons for national security;
- 9 (8) To inform the passenger accurately and truthfully of the reason for the
10 delay, cancellation or diversion of a flight. In complying with this
11 provision, the air carrier shall use overhead announcements, on aircraft
12 announcements, and postings on airport television monitors;
- 13 (9) To refund the full purchase price of the unused ticket if the passenger
14 requests a refund within forty-eight (48) after the ticket is purchased;
- 15 (10) To disclose to consumer information that would enable them to make
16 informed decisions about the comparative value of frequent flyer
17 programs among airlines, including -
18 i. The number of seats redeemable on each flight; and
19 ii. The percentage of successful and failed redemption on each
20 airline and on each flight;
- 21 (11) To provide for the essential needs of passengers at all times during
22 which the aircraft is on the ground in the event of a departure delay,
23 including the needs of passengers for food, water, sanitary facilities,
24 medical access, adequate ventilation, and comfortable cabin
25 temperatures.
26
27

28 SECTION 4. *Report.* The Secretary shall include information about violation of
29 Section 3 by air carriers in Air Travel Consumer Report which shall be published
30 monthly by the Department of Transportation and Communications.
31

32
33 SECTION 5. *Procedures for Departure Delays.* -
34

35 (a) *Procedures to Permit Pilots to Return to Airport Terminals.* - The Secretary
36 shall work in coordination with air carriers to ensure that a pilot operating
37 an aircraft in a flight in air transportation that is affected by a long
38 departure delay is permitted to return the aircraft to the airport terminal to
39 allow the passengers to exit the aircraft without losing the position of the
40 flight in the departure sequence.
41

42 (b) *Contingency Plans for Weather Emergencies.* -
43

44 (1) *Coordination of Plans* - The Secretary shall review the emergency
45 contingency plans of air carriers and ensure that the plans will

1 effectively address weather emergencies in a coordinated
2 manner.

- 3
4 (2) *Meeting* - In carrying out this subsection, the Secretary shall
5 convene a meeting of representatives of air carriers, airports and
6 the Civil Aviation Authority of the Philippines (CAAP) to
7 develop to develop procedures to better respond to weather
8 emergencies resulting in long departure delays.
9

10
11 SECTION 6. *Implementing Rules and Regulations.* - Within ninety (90) days after
12 the enactment of this Act, the Secretary in consultation with the Civil Aviation
13 Authority of the Philippines and the Civil Aeronautics Board shall make rules and
14 regulations implementing the provisions of this Act.
15

16 SECTION 7. *Penalties.* - Any violation of Section 3 of this Act shall result to a
17 suspension of the certificate of public convenience of the domestic carrier, or the
18 license to operate a foreign air carrier, or a fine of Two Hundred Thousand Pesos (P
19 200,000) or both.
20

21 In case of grave and repetitive violations, the penalty shall be revocation of
22 the Certificate of Convenience of the domestic carrier or the license to operate of a
23 Foreign Air Office and the Civil Aeronautics Board, shall have conducted a hearing
24 into the manner.
25

26 SECTION 8. *Separability Clause.* - If any provision or part hereof, is held invalid or
27 unconstitutional, the remainder of the law or the provision thereof shall remain valid
28 and subsisting.
29

30 SECTION 9. *Repealing Clause.* - Any law, presidential decree, issuance, executive
31 order, letter of instruction, administrative order, rule or regulation contrary to or
32 inconsistent with, the provisions of this Act is hereby repealed, modified, or
33 amended accordingly.
34

35 SECTION 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
36 publication in at least two (2) newspapers of general circulation.
37

38
39 Approved,