

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

OFFICE SECRETARY

10 JUL -6 AM 11:16

SENATE

S. NO. 303

RECEIVED



Introduced by Senator Antonio "Sonny" F. Trillanes IV

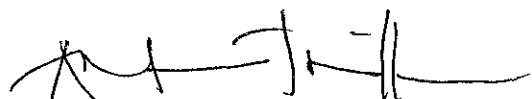
Explanatory Note

After liberalizing the country's domestic and international civil aviation policy through Executive Order No. 219, a number of local airline carriers were born and the Philippine airline industry started to grow. This liberalization, moreover, opened the industry for competition and drove the prices down for travelers and traders, which caused the number passengers to increase annually.

This increase in the number of passengers, however, caused several problems encountered by the passengers, ranging from poor quality of service, delay and cancellation of flights, disappearance of reservations, and many more.

This bill, thus, seeks to promote efficiency in airline services and address the aforesaid problems through a national policy establishing standards for airline carrier services. With this bill, it is expected that the rights of airline passengers will be protected.

In view of the foregoing, approval of this bill earnestly requested.



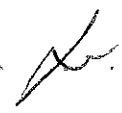
ANTONIO "SONNY" F. TRILLANES IV
Senator

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S. NO. 303

REC-107



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

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

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

3
4 **SEC. 2. *Definition of Term.*** - As used in this Act, the following terms shall mean:

5 (a) AIR TRANSPORTATION - The term 'air transportation' includes domestic air
6 transportation;

7 (b) COVERED AIR CARRIER - The term 'covered air carrier' means an air carrier conducting
8 scheduled passenger air transportation;

9 (c) CHRONICALLY DELAYED FLIGHT - the term 'chronically delayed flight' means a
10 regularly scheduled flight in air transportation that has failed to arrive within 30 minutes of the
11 scheduled arrival time of the flight at least 40 percent of the time during the most recent three-
12 month period for which data is available;

13 (d) DEPARTMENT - shall refer to the Department of Transportation and Communications;

14

15 **SEC. 3. *Standards for Air Carrier Passenger Services.*** -

1 (a) Passenger Complaints- A covered air carrier shall establish and implement procedures for
2 handling complaints from passengers of the air carrier.

3 (b) Diversions, Delays, and Cancellations-

4 (1) NOTIFICATION OF PASSENGERS - A covered air carrier shall provide customers at
5 an airport and on board an aircraft, in a timely, reasonable, and truthful manner, the best
6 information available to the air carrier regarding a delay, cancellation, or diversion affecting
7 the customers' flight, including--

8 (A) the cause of the delay, cancellation, or diversion; and

9 (B) for a delayed flight, the air carrier's best estimate of departure time.

10 (2) METHODS FOR NOTIFICATION - In complying with this subsection, a covered air
11 carrier shall use airport overhead announcements, on aircraft announcements, and postings
12 on airport television monitors.

13 (c) Departure and Arrival Delays -

14 (1) RIGHT OF PASSENGERS TO EXIT AN AIRCRAFT - Subject to exceptions stated in
15 paragraph (2), a covered air carrier operating an aircraft in a flight in air transportation shall
16 establish and implement procedures to allow passengers to exit the aircraft in the case of a
17 departure delay which would otherwise require passengers to remain on the aircraft on the
18 ground prior to departure for a period exceeding 3 hours.

19 (2) EXCEPTIONS - In general, Paragraph (1) shall not apply---

20 (A) if the pilot of such flight reasonably determines that such flight will depart not later
21 than 30 minutes after the 3-hour delay; or

22 (B) if the pilot of such flight reasonably determines that permitting a passenger to deplane
23 would jeopardize passenger safety or security.

24 (3) ESSENTIAL SERVICES - A covered air carrier operating an aircraft in air
25 transportation shall provide for the essential needs of passengers at all times during which
26 the aircraft is on the ground in the event of a departure delay, including the needs of

1 passengers for food, water, sanitary facilities, medical access, adequate ventilation, and
2 comfortable cabin temperatures.

3 (d) Chronically Delayed Flights -

4 (1) PUBLICATION OF LIST OF FLIGHTS - A covered air carrier shall publish and update
5 monthly on the Internet website of the air carrier a list of chronically delayed flights
6 operated by the air carrier.

7 (2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS - Regardless of
8 the method used by a consumer to contact a covered air carrier, the air carrier shall disclose,
9 without being requested, the on-time performance for a chronically delayed flight of the air
10 carrier whenever a customer makes a reservation or purchases a ticket on such a flight.

11 (e) Fares, Schedules, and Itineraries-

12 (1) PUBLICATION OF INFORMATION - A covered air carrier shall publish lowest fare
13 information, and information on schedules and itineraries, with respect to regularly
14 scheduled flights of the air carrier in air transportation.

15 (2) AVAILABILITY OF INFORMATION - Information to be published under paragraph
16 (1) shall be updated in a timely manner and shall be made available to the public on the
17 Internet website of the air carrier.

18 (f) Baggage - If a passenger of a covered air carrier submits a claim to the air carrier for lost
19 baggage, the air carrier shall make every reasonable effort to return the baggage to the passenger
20 within 24 hours.

21 (g) Passenger Rights Notification - A covered air carrier shall prominently display for passengers
22 of the air carrier information outlining the consumer rights of the passengers, including the rights
23 specified in this section.

24 (h) Contract of Carriage - Each covered air carrier shall incorporate the consumer rights specified
25 in this section into the contract of carriage of the air carrier.

1 **SEC. 4. Procedures for Departure Delays. -**

2 (a) Procedures to Permit Pilots to Return to Airport Terminals - The DOTC Secretary shall work
3 in coordination with air carriers to ensure that a pilot operating an aircraft in a flight in air
4 transportation that is affected by a long departure delay is permitted to return the aircraft to the
5 airport terminal to allow passengers to exit the aircraft without losing the position of the flight in
6 the departure sequence.

7 (b) Contingency Plans for Weather Emergencies -

8 (1) COORDINATION OF PLANS - The DOTC Secretary shall review the emergency
9 contingency plans of air carriers and airports to ensure that the plans will
10 effectively address weather emergencies in a coordinated manner.

11 (2) MEETING - In carrying out this subsection, the DOTC Secretary shall convene a
12 meeting of representatives of air carriers, airports, and the Air Transportation Office (ATO)
13 to develop procedures to better respond to weather emergencies resulting in long departure
14 delays.

15
16 **SEC. 5. Implementing Rules and Regulations. -** Not later than 180 days after the date of
17 enactment of this Act, the Secretary of the Department shall issue final regulations to carry out
18 the provisions of this Act.

19
20 **SEC. 6. Diverted Flights. -**

21 (a) Study - The Secretary shall conduct a study of the ability of air carriers to provide for the
22 essential needs of passengers, including adequate food and water, in cases in which a flight of the
23 air carrier is diverted for an unscheduled landing at an airport due to a weather situation or other
24 emergency.

25 (b) Report to Congress - Not later than 180 days after the date of enactment of this Act, the
26 Secretary shall transmit to Congress a report on the results of the study, including methods for

1 ensuring that the essential needs of passengers are met in the case of a diverted flight described
2 in subsection (a).

3

4 **SEC. 7. *Penal Provision.*** - Any air carrier who violates the provisions of this Act shall
5 give the affected passenger an amount not less than Ten Thousand Pesos (P10,000.00) but not
6 more than Thirty Thousand Pesos (P30,000.00) depending on the
7 severity of the offense caused.

8 In case of grave and repetitive violations, the penalty shall be the suspension or
9 revocation of the certificate of public convenience of the domestic carrier, or the license to
10 operate of a foreign air carrier, or both after the Department shall have conducted a hearing into
11 the matter.

12

13 **SEC. 8. *Separability Clause.*** - If for any reason any provision of this Act is declared
14 unconstitutional or invalid, such parts or portions not affected thereby shall remain in full force
15 and effect.

16

17 **SEC. 9. *Repealing Clause.*** - All laws, executive orders, presidential decrees, and rules
18 and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed
19 or modified accordingly.

20

21 **SEC. 10. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in
22 at least two (2) newspapers of general circulation.

Approved,