

**Republic of the Philippines
HOUSE OF REPRESENTATIVE
Quezon, City**

**FIFTEENTH (15TH) CONGRESS
First Regular Session**

HOUSE BILL NO. 2358

Introduced by Hon. Ronald V. Singson

EXPLANATORY NOTE

This bill seeks to provide compensation to airline passengers for the inconvenience caused by flight delays, cancellations and overbookings.

Air flights are meant to facilitate travels between points of destinations. Air transportation is sold to the general public with that promise that it will depart and arrive at specific times on specific dates. As such, any delay, cancellation and overbooking entail costs, financial or otherwise, inconvenience and loss of opportunities and manhours. Hence, the State shall provide remedies to protect the passengers' rights during travels and institute policies that require compensation for delayed, cancelled or overbooked flights. Philippine licensed airlines flying at any point of destination within and outside the Philippines shall compensate passengers inconvenienced due to delayed flights by giving them free meals, access to telephone and emails, refund of full cost of airline ticket, free hotel accommodation and cash equivalent.

When passenger arrives late in the airport, his seat will be given to waitlisted passenger, therefore, he will miss his flight because he will no longer be allowed to take such flight. He therefore pays for being late. It is also but fair that when a flight is unreasonably delayed, or cancelled the airline concerned shall also pay whatever form for the inconvenience it caused to the riding public.

It is time to improve discipline and professionalism in our lives if we hope to cope with the demands for full development amidst economic globalization.

In view of the foregoing and in order to ensure the safety, quality and reliability of air transport services for the riding public, approval of this bill is highly and earnestly recommended.



RONALD V. SINGSON

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AN ACT
PROVIDING COMPENSATION TO AIRLINE PASSENGERS FOR THE
INCONVENIENCE CAUSED BY FLIGHTS DELAYS, CANCELLATIONS, AND
OVERBOOKINGS AND PROVIDING PENALTIES FOR VIOLATION
THEREOF

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

SECTION 1. Title – This Act shall be known as the “Flight Delays and
Overbookings Compensation Act of 2009.”

Sec. 2 Declaration of Policy – It is hereby declared to be the policy of the State to
ensure the safety, quality, reliability and affordability of air transport services for
the riding public. Towards this end, the State shall provide remedies to protect the
passenger’s rights during air travel, and institute policies that require compensation
for a delayed, cancelled or overbooked flight.

Sec. 3. Definition of Terms For purposes of this Act.

- a. *Flight delay* refers to any change from the scheduled time and date of
departure or arrival due to any of the following:

1. cancellation
2. mechanical malfunction
3. schedule changes such as departing later or earlier than the scheduled time
4. wrongful refusal to board
5. failure to confirm or reconfirm reservations
6. discrimination
7. airline overbooking
8. failure to assist disabled passenger
9. misinformation
10. misplaced tickets
11. collapsing ticket counters
12. altered tickets

Sec. 4. Coverage. – This Act shall cover all Philippine licensed airlines flying in any destination within or outside the Philippines, except chartered flights.

Sec. 5. Compensation. All airline passengers whose flights were delayed, cancelled or overbooked shall be entitled to a compensation in the following form.

- a. for the first hour after the declared time of departure passengers shall be provided free meals, refreshments, access to telephones, emails or fax messages;
- b. if the delay is more than one (1) hour to three (3) hours, passengers shall in addition to sec. 5-(a) be provided with the option to refund the full cost of airline tickets and purchase the next available flight of his choice in any airline flying the same route; Provided, that any additional ticket cost shall be borne by the erring airline;
- c. if delay is five (5) hours or longer, passengers shall, in addition to the compensation provided under Section 5 (a) and (b), be given a free round trip ticket to any domestic destination valid at any day within one year from date of issue: provided, that if the passenger is a foreign national, said passenger shall be given an option to convert the free domestic round-trip tickets to its cash equivalent;
- d. if time of departure is cancelled until the next day, passengers shall in addition to the compensation provided under Section 5(a), (b) and (c), be provided with hotel accommodation and transportation arrangements between the airport and the place of accommodation;
- e. For overbooked flights where passengers are involuntarily transferred to another flight, passengers are subject to the following minimum compensation:
 1. the equivalent of the passenger's one way fare up to a maximum of five thousand pesos (P5, 000.00) if the substitute flight departs between two (2) and four (4) hours after the original scheduled departure time;

2. if the substitute flight departs more than four (4) hours after the original scheduled departure time, the passenger shall be given the equivalent of his round trip fare up to maximum of ten thousand (10,000.00) pesos. Provided, that no compensation shall be given a passenger if the substitute flight gets the passenger to the destination within one hour of the original scheduled arrival.

Sec. 6. *Exceptions.* – No compensation shall be given any passenger if the flight delay or cancellation was caused by fortuitous events or *force majeure*, such as, but not limited to natural disasters and public disturbances.

Sec. 7. *Penalties.* – Any airline company or aircraft carrier found guilty of violating this Act shall be penalized with a fine of Five thousand pesos (P5, 000.00) for every uncompensated passenger for the first offense; a fine of Ten thousand pesos (10,000.00) for the second offense; or a fine of Twenty thousand pesos (P20, 000.00) with the suspension of the business license and operating permit for the third offense.

Sec. 8. – *Implementing Rules and Regulations.* – Within ninety (90) days from the date of effectivity of this Act, the Civil Aviation Authority shall promulgate the necessary rules and regulations for the effective implementation of this Act.

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

Approved,