



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6260



Introduced by Honorable **MARK A. VILLAR**

AN ACT
ESTABLISHING THE PASSENGER PROTECTION OFFICE IN ALL
MAJOR AIRPORTS IN THE PHILIPPINES

EXPLANATORY NOTE

The 1987 Constitution provides that "*The prime duty of the Government is to serve and protect the people, The Government may call upon the people to defend the State and, in the fulfilment thereof, all citizens may be required, under conditions provided by law, to render personal military, or civil service*". (Article II, Section 4)

The 1987 Constitution provides that "*The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy*". (Article II, Section 5)

The 1987 Constitution provides that "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of laws". (Article III, Section 1)

The 1987 Constitution provides that "*Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel*". (Article III, Section 12)

Due to the unbridled occurrences of alleged bullet planting and extortion of passengers in the Ninoy Aquino International Airport (NAIA), a culture of fear has spread among Filipinos and tourists alike.

The common narration of the victims is that they were stopped after their luggages have been scanned. The security officer would then inspect the luggages and pull out a bullet from its pocket. The victims would become shocked and alarmed while they are told of an offense they apparently did not commit. Thereafter, the security officer would then detain the victim and extort money for the speedy resolution of the problem. The victim would think paying as a viable option due to the arduous processes and possible penalties he or she might experience, should he or she decline.¹

These incidents, known as "laglag bala" or "tanim bala", has put our attention on the procedure used against the passengers when they are confronted with the above mentioned situation.

In these incidents, it is apparent that the victims are not given due process when confronted by the alleged perpetrators. When they were brought in for questioning, they were not properly apprised of their rights as suspects, and the proper procedure was lacking. This questioning falls under the purview of custodial investigation wherein certain rights are provided for by the Constitution to the persons being interrogated. There is a need for measures that will ensure that passengers will know their rights and choices in order that they will be properly protected.

It is the mandate of the Public Attorney's Office to render free legal representation, assistance, and counselling to persons, other than indigent persons, when called upon by proper government authorities to render such service, subject to existing laws, rules and regulations. Hence, the presence of Public Attorneys who shall assist passengers will provide protection to the rights of the latter, and ensure that such passengers will not be taken advantage of by the schemers.

Furthermore, it is the mandate of the Department of Justice to administer the government's justice system by investigating through the National Prosecution Service. That being said, the presence of a public prosecutor will enable the proper administration of the correct procedure to attain just and fair results. This will also add confidence that there will be speedy disposition of preliminary matters, as this is needed by the nature of a passenger's circumstances.

The due process clause of the Constitution is not only concerned with procedural due process, but also substantive due process. Substantive due process requires that the law itself, not merely the procedure by which the law would be enforced, is fair, reasonable, and just.²

In R.A. No. 10591, the penalties for mere possession of bullets, regardless of the number, is Prison Mayor, which ranges from six (6) years and one (1) day to twelve (12) years. The penalty is clearly not commensurate to the act of possessing a single bullet. This is not in accordance with the rule of substantive due process that requires the law to be fair, reasonable, and just.

¹ <http://www.gmanetwork.com/news/story/538675/news/metro/naia-personnel-in-laglag-bala-extort-modus-suspended>

<http://www.abs-cbnnews.com/nation/metro-manila/09/24/15/laglag-bala-victimizing-passengers-naia>

<http://www.philstar.com/headlines/2015/09/28/1504923/house-probe-laglag-bala-modus-pushed>

² Corona v. United Harbor Pilots Association of the Philippines. G.R. No. 111953. December 12, 1997.

In the incidents, in most of them, only one (1) bullet was present. The intention of the victims in perpetrating the crime of possession is highly doubtful being amid solid allegations of bullet-planting by security officers. Furthermore, what would a person do with a single bullet? It is true that intention to commit the crime is not a requirement in special laws because of the malum prohibitum nature. However, there is now an absurd situation orchestrated by unscrupulous perpetrators who take advantage of the law in order to profit. And at the same time, the victims are extremely hassled, delayed, and some, traumatized because of the embarrassing situation they are thrown into by the alleged bullet-planters.

It is the prime duty of the Government to protect the people from the nefarious scheme by putting a stop to it.

This bill seeks to provide protection to passengers by establishing "Passenger Protection Offices" in our airports.

In view of the foregoing, the passage of this bill is earnestly sought.



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Be it 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 "***Passenger Protection Office Act of 2015.***"

SECTION 2. Declaration of Policy. - Consistent with the Government's prime duty to serve and protect the people, to maintain peace and order, to protect life, liberty and property, to promote general welfare, to ensure due process, to provide free access to adequate legal assistance, and to give speedy disposition of cases, the State recognizes that means that assure proper application of due process can be applied to protect tourists and Filipinos from unlawful schemes.

SECTION 3. Coverage - This Act shall cover all major airports. Major airports, as defined in this Act, shall be the top ten (10) busiest international and domestic airports in the Philippines, as provided by the Civil Aviation Authority of the Philippines, namely:

- (a) Ninoy Aquino International Airport;
- (b) Mactan-Cebu International Airport;
- (c) Francisco Bangoy International Airport;
- (d) Iloilo International Airport;

- (e) Kalibo International Airport;
- (f) Lumbia Airport;
- (g) Bacolod-Silay International Airport;
- (h) Puerto Princesa International Airport;
- (i) Clark International Airport; and
- (j) Daniel Z. Romualdez Airport.

SECTION 5. Creation of Passenger Protection Office. - There shall be established a Passenger Protection Office (PPO), composed of one (1) Public Prosecutor, and two (2) Public Attorneys in all major airports.

SECTION 6. The Department of Justice shall appoint a public prosecutor and staff necessary for the operation of the Office, and the Public Attorney's Office shall likewise designate the public attorneys, subject to the civil service laws, rules and regulations.

SECTION 7. Functions of the Passenger Protection Unit. - The Passenger Protection Office shall have the following functions:

- (a) The Passenger Protection Office shall endeavor to efficiently, speedily, and expeditiously resolve the matters brought to it;
- (a) The Passenger Protection Office has shall have jurisdiction over incidents, conflicts, occurrences, acts, or events that has happened within the major airport, involving or affecting passenger's rights and the passenger is detained; and
- (b) The Passenger Protection Office has shall have jurisdiction when a passenger is brought in or detained in the Passenger Protection Office for questioning in connection to an alleged unlawful act committed.

SECTION 8. Duties of the Passenger Protection Office. - The Passenger Protection Office shall have the following duties:

- (a) The Public Attorneys shall render legal assistance to the passengers in all major airports;
- (b) The public prosecutor shall conduct a brief, speedy investigation when there is an incident, conflict, occurrence, act, or event involving or affecting passenger's legal rights and the passenger is detained;
- (c) The public prosecutor shall conduct a brief, speedy inquest proceeding when a passenger is brought in or detained in the Passenger Protection Office for questioning in connection to an alleged unlawful act committed;

- (d) The Public Attorneys shall assist the passenger throughout the conduct of the investigation or the inquest proceeding; and
- (e) The public prosecutor shall undertake to resolve the investigation or the inquest proceeding within the day, unless the circumstances warrant otherwise, or further proceedings are necessary.

SECTION 9. Overseas Filipino Workers Assistance Desk. - There shall be established in all major airports, an "Overseas Filipino Workers Assistance Desk with the objective of providing assistance to Overseas Filipino Workers, should their circumstances be under those which the Passenger Protection Office has coverage.

SECTION 10. The Philippine Overseas Employment Agency, in partnership with the Local Government Unit wherein the major airport is located, shall assign two (2) Overseas Filipino Workers Assistance Desk staff, who shall have expertise on Overseas Filipino Workers' rights.

SECTION 11. Issuance of Implementing Rules and Regulations. - Within ninety (90) days from the approval of this Act, the Department of Justice in consultation with appropriate agencies, shall promulgate the rules and regulations to implement the provisions of this Act. Such rules and regulations shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

SECTION 12. The amount necessary for the initial implementation of this Act shall be charged to the current appropriations of the Department of Justice. Thereafter, such sum as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

SECTION 13. Separability Clause. - If any law or provision or part hereof is held invalid or unconstitutional, the remainder of the provision not otherwise affected shall remain valid and subsisting.

SECTION 14. Repealing Clause. - Any other provisions of law or rules and regulations inconsistent to the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 15. Effectivity - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,