



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

TWENTIETH CONGRESS
FIRST REGULAR SESSION

House Bill No. 353



INTRODUCED BY Rep. ZIAUR-RAHMAN ALONTO ADIONG

EXPLANATORY NOTE

Air travel plays an important and indispensable role in the continued progress of our great nation. As an archipelago we are a people divided by oceans and we overcome this great hurdle by way of air travel.

Over the years, news reports have shown the various predicaments that air passengers in the Philippines experience. They have faced delays, cancellations, lost and damaged baggage, and overbooking. Such events not only create frustration for our air passengers but also in loss of money, opportunities, and time.

This bill sets out a range of protections for air passengers, including measures to address flight cancellations, delays, lost or damaged baggage, and overbooking. These protections are critical because air travel has become an integral part of our lives, and it must be ensured that passengers are treated fairly and have access to essential services.

Under the Bill of Rights for Air Passengers, airlines must provide passengers with clear and concise information about flight schedules, delays, and cancellations. This information must be communicated in a timely manner and in a way that is easy to understand. Airlines must also provide compensation for flight delays and cancellations that are within their control, and must offer alternate flights or refunds in the event of significant delays or cancellations.

The Bill of Rights for Air Passengers also includes provisions to protect passengers from being denied boarding due to overbooking. In the event of an overbooking situation, airlines must provide compensation to passengers who are involuntarily bumped from a flight, and must provide alternate flights or refunds where appropriate.

This bill also addresses the issue of lost or damaged baggage, requiring airlines to provide adequate compensation to passengers who experience these issues. Additionally, airlines must provide passengers with clear information about their rights and options in the event of lost or damaged baggage, and must work to resolve these issues in a timely and efficient manner.

Overall, the Bill of Rights for Air Passengers is a critical piece of legislation that seeks to protect the rights of air travelers and ensure that they are treated fairly and with respect, and can travel with greater confidence and security.

As such, the approval of this bill is earnestly sought.

REP. ZIAUR-RAHMAN ALONTO ADIONG
1st District, Lanao del Sur



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AN ACT
PROVIDING FOR A BILL OF RIGHTS FOR AIR PASSENGERS, PENALIZING
VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

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

CHAPTER I
GENERAL PROVISIONS

Section 1. Short Title. This act shall be known as the Bill of Rights for Air Passengers Act.

Section 2. Declaration of Policy. The State is committed to promoting and strengthening the regulatory framework in civil aviation to ensure safe, efficient, convenient, and secure services for the riding public. As part of this commitment, the State will mandate full disclosure of all aspects related to air carriage contracts and penalize any act of air carriers that violates the rights of air passengers defined under the Act.

Moreover, the State will adopt universally accepted principles of international laws and fulfill its commitments to treaties to which the country is a signatory. By doing so, the State aims to provide a seamless and satisfactory travel experience for air passengers, while holding air carriers accountable for any wrongdoing.

Section 3. Definition of Terms. As used in this Act:

- a. Air Carrier refers to an airline company which provides transportation services under a contract of carriage via airplanes and other similar means;

- b. Baggage refers to any personal property carried by the passenger which has been checked in with the airline;
- c. Off-loaded Baggage refers to checked baggage that has either not been put in or been subsequently removed from the cargo hold or other similar storage spaces of the air carrier.
- d. Cancellation refers to the act of revoking the contract of carriage between the passenger and the air carrier. This includes the following instances:
 - i. Cancellation by the air carrier before the estimated time of departure (ETD) regardless if the reason was by fault of the carrier or not.
 - ii. Cancellation by the air carrier after an unduly long delay; and,
 - iii. Cancellation by the passenger or a situation deemed cancelled as provided under this Act.
- e. Check-in Period refers to the time when the air carrier's check-in counters are open for accepting and processing passengers checking in for their flights which usually starts at least two (2) to three (3) hours prior to the ETD in international airports and in airports designated by the Department of Transportation (DOTr). In other airports, the check-in period starts at least one (1) hour prior to the ETD;
- f. Confirmed Reserved Seat refers to a seat on a specific date and on a specific flight and class of service of an air carrier, which has been requested by a passenger, and which the carrier or its agent has verified, by appropriate notation on the ticket, as being reserved for the accommodation of the passenger;
- g. Convention refers to the applicable international agreement, convention, or treaty on carriage of goods or persons by air;
- h. Delay refers to the deferment of a flight to a later time than that originally scheduled.
 - i. Terminal delay is a delay that occurs while the passengers are still inside the terminal waiting for boarding; and,
 - ii. Tarmac delay is a delay that occurs while the passengers are already on board the aircraft.
- i. Denied Boarding refers to a situation where a passenger who has a physically presented travel documents pertaining to a confirmed seat reservation at the proper time and place, and has fully complied with the carrier's check-in reconfirmation procedures, and the carrier's tariff requirement, was not allowed to board the aircraft;

- j. Denied Check-in refers to a situation where a passenger, who has presented travel documents to an air carrier's check-in counter, has checked-in online or through the check-in kiosks located inside the airport at the appointed time, is denied or is not processed for boarding a particular flight;
- k. Fare refers to the payment in consideration for the carriage of a passenger but shall not include charges for ancillary services.
 - i. Regular fare is any fare that is offered on a regular basis, is non-discounted, and offers the advantage of cancellation, changing flight time or schedule, rerouting, or rebooking, by the passenger, whether for a fee or penalty, or without such fee or penalty.
 - ii. Promotional fare is any fare that is generally lower than a regular fare and is offered for a specific period subject to stipulations for such promotion;
- l. Free Tickets refer to tickets provided by carriers to passengers, tickets available for free to employees, and tickets claimed based on mileage, which do not have confirmed status, are subject to space availability, and do not qualify as either regular or promotional fare.
- m. General Sales Agent refers to a person who is not a bona fide employee of an air carrier, and who as authorized by the air carrier, by itself or through an agent, sells or offers for sale any air transportation, or negotiates for, or holds out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for, such air transportation;
- n. Government Requisition of Space refers to a formal request by the government or its agencies to an air carrier for the use of an aircraft, or any part thereof, for regulatory, safety, security and emergency purposes. Such request shall be submitted by the requesting agency to the Civil Aviation Board (CAB) which, in turn, shall make a request to the air carrier concerned, detailing the number, identities, and affiliation of the persons requesting for space and the date, time, and destination of the flight;
- o. No Show refers to the failure of the passenger to appear at the check-in counter within the check-in deadline or to show up at the boarding gate at the time indicated on the boarding pass;
- p. Non-scheduled Services, refer to an arrangement where an aircraft has more flexibility in terms of time, schedules, routes, and choices of airports and similar operational characteristics, subject to the approval of the Civil Aviation Authority of the Philippines (CAAP) each time;

- q. Overbooking refers to the practice of air carriers of selling confirmed reserved seat beyond the actual seat capacity of the aircraft. This shall include a situation wherein an aircraft carrier downgrades an aircraft resulting in the bumping off of passengers that is not grounded on safety or unforeseen operational circumstances.
- r. Passenger refers to a person actually traveling by air. A person who is named in the flight ticket shall be considered a passenger for the purpose of this Act;
- s. Person with Disability (PWD) refers to those who have a long-term physical, mental, intellectual, or sensory impairments, which, in interaction with various barriers, may hinder their full and effective participation in society or an equal basis with others;
- t. Philippine-based air carrier refers to an air carrier holding a Certificate of Public Convenience and Necessity (CPCN) or a Temporary Operating Permit (TOP) issued by the CAB for scheduled or non-scheduled services;
- u. Sales Promotion refers to the techniques intended for broad consumer participation which contain a promise of gain, such as prizes, in cash or in kind, as reward for the purchase of a product, security, service, or for winning in a contest, game, tournament, and/or similar competitions which involve determination of winner/s and which utilize mass media and widespread media of information. It also means techniques purely intended to increase the sales, patronage, and goodwill of a product; and,
- v. Scheduled Services refer to an arrangement wherein an air carrier follows a fixed, regular and published timetable and routes and which does not have flexibility in terms of time, schedules, routes, and choices of airports and similar operational characteristics.

Section 4. Scope of Application. This Act shall apply to all aspects of the contract of carriage for flights or portions of a flight, within the territory of the Philippines or from the territory of the Philippines, operated by Philippine-based air carriers, flights or portions of a flight from the territory of the Philippines operated by foreign air carriers, as well as charter flights and the conduct of individual ticketing: Provided, that the compensation provisions of this Act shall not apply to air carriers flying into the territory of the Philippines if the laws of the country of origin provide similar or higher compensation.

Section 5. Applicability of International Laws and Pertinent Conventions. In case of conflict between the provisions of this Act and provisions of

any treaty or convention where the Philippines is a signatory, the provisions of the latter shall prevail. Where the Philippines is not a signatory, the provisions of any treaty or convention shall have supplementary effect in the implementation of this Act insofar as the same are not contrary to the provisions of these selfsame provisions..

CHAPTER II

CONTRACT OF CARRIAGE BY AIR

Section 6. Contract of Air Carriage. By the contract of air carriage, an air carrier obliges itself to transport the passenger or their baggage, if any, from one place to another, through the airspace, without any damage or injury upon the latter's person, or loss, damage, or unreasonable deterioration of their baggage, if any, and the passenger obliges themselves to pay a just and reasonable airfare.

Section 7. Perfection of the Contract of Air Carriage. The contract of air carriage is perfected from the moment the air carrier and the passenger give their respective consent to the said agreement. There is consent when the air carrier issues a confirmation of the airline ticket in favor of a passenger, who accepts and holds it in their possession, with the corresponding full payment of the fare by the said passenger.

Section 8. Diligence Required. Air Carriers, due to the nature of air transportation, being imbued with public interest, are obliged to observe extraordinary diligence in the performance of their obligations under the contract of air carriage. Air passengers are required to observe ordinary diligence while the contract of air carriage is effective.

Section 9. Presumption of Negligence. In case of damage or injury to the person of the air passenger, or loss, damage, or unreasonable deterioration of their baggage, if any, the air carrier shall be presumed negligent, unless it proves that it exerted extraordinary diligence to avert the same.

Diligence observed in the selection and supervision of employees shall not be a defense to rebut this presumption. In the case of carriage of goods and baggage, the presumption of negligence shall not apply if the loss, damage, unreasonable deterioration is caused or occasioned by any of the following:

- 1) Flood, storm, earthquake, lightning, or other natural disaster or calamity.
- 2) Act of a public enemy in war, whether international or civil;
- 3) Act or omission of the shipper or owner of the baggage/goods;
- 4) The character of the goods or defects in the packing or in the containers; and,

5) Order or act of competent public authority.

Section 10. Cancellation. An air carrier may cancel a flight on any of the following grounds:

- a) Infrastructure limitations as certified by the CAAP;
- b) Safety reasons due to a technical problem;
- c) Security reasons; or,
- d) During the occurrence of a fortuitous event.

The passengers affected may avail of all remedies applicable to them as provided by this Act.

Section 11. Overbooking. All Air Carriers are prohibited from the act of overbooking their flights for whatever reason.

Section 12. Construction. In case of doubt, the contract of air carriage shall be construed liberally in favor of the passenger and strictly against the air carrier.

CHAPTER III

RIGHTS AND OBLIGATIONS OF THE PASSENGERS

Section 13. Clear, Truthful and Understandable Information. In addition to the information enumerated in Section 15 of this Act, every passenger shall, before purchase of any ticket, have the right to full, fair, and clear disclosure of information, in English or Filipino, from an air carriage or general sales agent on the following terms and conditions in the contract of carriage:

- a. Fare and other fees and ancillary charges (such as but not limited to taxes, insurance, fuel surcharge, seat reservation, etc.) ;
- b. Travel restrictions;
- c. Baggage allowance and limitations;
- d. check-in and boarding requirements and deadlines;
- e. Air carrier's responsibilities and passenger's rights and compensation for delayed and canceled flights, and for death and injuries and lost, delayed or damaged baggage;
- f. Air carrier's liability limitations;
- g. Procedures for claims against the carrier;
- h. Services and amenities provided by the air carrier; and,
- i. Other crucial and necessary conditions of the contract of carriage.

Section 14. Method of Disclosure. An air carrier shall cause the disclosure under the immediately preceding section to be printed on or attached to the passenger ticket, boarding pass, or by clearly stating the complete terms and conditions of carriage for perusal or review in the air carrier's website, or in some other document that may be sent to or delivered by post or electronic mail to a passenger upon request.

In case of booking through a ticketing office or agent, the disclosures shall be explained by the agent in a language that is easily understood by the purchaser.

In case of online booking, the air carrier must establish a system wherein a purchaser is fully apprised of the required disclosures under this section twice prior to the final submission of an online offer to purchase.

Section 15. Advertisements. Advertisements of fares shall be clear, truthful, and not misleading and shall capacitate the passenger to make an informed decision such that the passenger fully understands the consequences of purchasing such a ticket.

The advertisement of the promotional fares shall be subject to approval by the CAB.

The following disclosures are required to be part of the airline advertisement in the print medium which shall occupy not less than thirty percent (30%) of the advertising material:

- a. Conditions and restrictions attached to the fare type;
- b. refund and rebooking policies;
- c. government taxes and fuel surcharges;
- d. other fees and charges;
- e. Contact details of the carrier which include phone numbers, websites, emails, and online accounts;
- f. Other information that is necessary to apprise the passenger of conditions and full price of the ticket which may include incorporation by the reference of websites and other available information portal or office where the passenger can read or ask the full terms and conditions of the fare and the air passenger bill of rights; and,
- g. In case of promotional fares, the number of seats offered on a per sector basis, the CAB permit or approval number and the duration of the promo.

Section 16. Right to Receive the Full Value of the Service Purchased. A passenger shall have the right to fair and reasonable fare and to receive the full value

of the services that they purchased. An air carrier shall not deny nor diminish any service that an air passenger has paid for. However, an air carrier may upgrade its services in favor of a passenger free of charge, subject to the consent of the passenger.

Section 17. Right to Mandatory Fare Discount. Qualified senior citizens, PWDs, and students are entitled to a twenty percent (20%) discount on all regular fares. To avail of the discount, persons concerned are required to show competent proof that they belong to the above categories. Competent proof includes government issued identification cards or school identification cards.

To avail of this discount, a student, at the time of the purchase of the airline ticket, must be enrolled in a preschool, elementary, secondary, or collegiate school or institution, whether academic, vocational, or technical, duly-recognized by the government. For the purpose of this Act, those taking up post-graduate courses such as medicine, law, master's and doctorate degrees as well as short term courses, classes, and seminars such as dancing, singing, and driving lessons are excluded.

Qualified senior citizens, PWDs, and students are likewise exempt from payment of Value-Added Tax.

Where the air carrier offers a promotional fare, the fare that is more beneficial between the discounted and promotional fare shall be given to the passenger. For the purposes of taxation, the discounts herein imposed shall be allowed as deductions on the gross income of the air carrier.

Section 18. Right to Refund. Every passenger holding a refundable airline ticket shall have the right to the refund of fares. This includes the refund of other fees such as checked baggage fees and other optional service fees such as insurance, and seat selector fee, if any.

Section 19. Right to Cancel a Flight. If the passenger cancels the confirmed flight more than twenty-four (24) hours before the ETD, the passenger may be entitled to seventy-five percent (75%) of the cost of the ticket excluding charges for ancillary services, with the remaining twenty-five percent (25%) to be retained as a cancellation fee. There shall be full reimbursement of such charges for ancillary services not availed of, such as baggage fees and terminal fees.

If the passenger cancels the confirmed flight twenty-four (24) hours or less before the ETD, or does not show up altogether, the ticket shall be considered flown; there shall be full reimbursement of the charges for ancillary services not availed of, such as baggage fees and terminal fees.

Section 20. Right to Rebook a Flight. Every passenger who was informed that the ticket purchased can be rebooked shall have the right to rebook the flight in accordance with the terms and conditions set forth under the airline's rebooking policy.

Section 21. Right to be Processed for Check-in. A passenger holding a confirmed ticket, whether under a promotional or regular scheme, with complete documentary requirements, and who has complied with the air carrier's check-in procedures, shall be processed accordingly at the check-in counter within the check-in deadline. For this purpose, the CAB shall, consistent with global aviation practice, provide a uniform schedule of the opening of check-in counters and check-in deadline for both local and international flights giving the passenger enough time to be processed for check-in.

The air carrier shall, therefore, and subject to infrastructure limitations, clearly designate the boundaries of its assigned check-in areas or counters in a manner convenient to the passengers.

The air carrier shall ensure that its passengers for a particular flight, including those who are in queue prior to the check-in deadline have already checked-in before accepting passengers from previously delayed or canceled flights, and chance passengers, in that order, when there are still seats available.

Section 22. Right Against Overbooking. No passenger shall be denied boarding, rebooked, or delayed due to overbooking of his confirmed flight under any circumstances.

Section 23. Right to Board Aircraft for the Purpose of Flight. Except when the passenger is at fault, or due to legal or valid causes such as immigration issues, safety, security, and health concerns when there is a legal or valid cause, a passenger who has check-in for a particular flight has the right to board the aircraft for the purpose of flight. A passenger shall be considered at fault if such passenger acts in violation of a law or the contract of air carriage affecting the safety and security of another passenger or crew during the voyage.

Section 24. Right of Equal Protection. Every passenger is entitled to all the rights set forth in this Act and in all aspects of the contract of carriage regardless of race, sex, gender, education, income, social status, language, physical characteristics, mental characteristics, sensory impairments, age, religion, marital status, political belief, and any other circumstances.

No air carrier shall deny a passenger from enjoying the rights set forth in this Act because of criminal or summary convictions, or a previous grievance against the air carrier.

Section 25. Right to be Respected. Air passengers shall have the right to be respected at all times by the air carrier. Airline employees and crews shall serve passengers with utmost courtesy and respect.

Section 26. Access to Emergency Measures, Medical Assistance, Safety Devices and Essential Services. A passenger has a right to have access to and use emergency and safety devices, medical assistance, and proper application of first aid procedures during emergency situations or when the passenger's health requires it. Air carriers shall train flight personnel and crews in handling and responding to emergency situations and shall provide at least one (1) flight crew who is certified to be trained in the application of first aid procedures. An air carrier shall always inform its passengers of emergency measures in cases of evacuation before the start or during the first hour of the flight. A passenger has a right to disembark from an aircraft when, in consideration of the passenger's condition, continuing the journey or being onboard the aircraft constitutes a risk to health. The air carrier shall consult with the passenger who wishes to disembark and determine whether it is to the best interest of the passenger to deplane.

A passenger shall have access to essential services such as adequate food and potable water, clean and safe lavatory facilities, and cabin ventilation and comfortable cabin temperatures.

Section 27. Right to Bring Action, Satisfaction or Relief of a Wrong or Injury. Every passenger has a right, without fear of retribution, to take action against the air carrier for any wrong or injury caused to the passenger during the effectivity of the contract of carriage under this Act and applicable treaties and conventions.

Section 28. Right to Immediate Payment and Compensation. A passenger shall have the right to be compensated, promptly and expeditiously, in case of flight delay or cancellation, death or injury upon his/her person, and loss or deterioration of one's baggage and property, or for overbooking as the case may be.

Compensation under this Act does not preclude the passengers to seek redress in a court for damage caused by any violation of the rights of the passenger as provided by this Act or any other laws or treaties concerning air transportation.

An air carrier liable for any of the required compensations provided under this Act shall make the same available to the affected passenger at the air carrier's

counters at the airport on the date when such right to compensation arose, or at the main office or any branch of the air carrier upon the discretion of the passenger. The air carrier shall tender a check or cash for the amount specified, or the document necessary for claiming the compensation herein stated. If not paid within the prescribed period, the compensation granted in this chapter shall earn an interest computed at the current legal rate until full payment reckoned from the time of the expiration of the said period, unless the non-payment is prevented by a legal cause.

Section 29. Rights of a Passenger for Delayed Flights. Every passenger has the right to be compensated for flights not flown within a reasonable time from ETD. The provisions of this section shall be the minimum entitlement of a passenger in case of delay and shall not prohibit the air carrier from granting more favorable conditions or resources.

- a. *Terminal Delay.* In case the flight is delayed for at least two (2) hours after the ETD, whether or not such is attributable to the carrier, a passenger shall have the right to:
 - i. be notified via public announcement of the reason for the delay and the ETD as soon as the information is available.
 - ii. be provided a minimum level of care immediately, on the spot, at terminals/stations, while waiting for the beginning or the continuation of the delayed journey;
 - iii. be offered the following free of charge;
 1. sufficient meals and refreshments in a reasonable relation to the waiting time;
 2. free phone calls, text messaging, fax, emails, or other means of communications;
 3. free internet access; and,
 4. first aid, when necessary.

In applying this section, the operating air carrier shall pay particular attention to the needs of persons with reduced mobility and any person accompanying them, as well as to the needs of unaccompanied children; and,

- iv. Declare that they are canceling their reservation and ask for refund or rebooking in accordance with sections 18 and 20 hereof; or ask for endorsement to another carrier.

In case the flight is delayed for at least three (3) hours after ETD for causes attributable to the carrier, the flight shall be deemed canceled and the affected passenger shall be entitled to the remedies provided under section 29(a).

- b. *Tarmac Delay.* Every passenger shall likewise have the right to adequate food and beverage in cases of tarmac delay of at least two (2) hours after ETD, reckoned from the closing of the aircraft doors or when the aircraft is still at the gate with the doors still open but passengers are not allowed to deplane. In case the delay exceeds three (3) hours, the passenger may request disembarkation.
- c. *Arrival Delay.* In case there is a delay in the aircraft's arrival at the airport of destination for at least one (1) hour, the air carrier shall give the affected passengers free food and beverages.

If the said delay is due to the air carrier's negligence, it shall be liable to pay damages to the air passenger amounting to ten thousand pesos (P10,000.00) or the actual damages suffered, whichever is higher. In the case of a multi-sector journey where the air carrier is at fault, in addition to the rights and entitlements stated under this section, a passenger shall be entitled, to an additional compensation at a rate which is equivalent to at least the value of the sector canceled by reason of the delay: Provided, that, in case of connecting flights with other carrier, the passenger has allotted sufficient connecting time of at least three (3) hours for international flights and two (2) hours for domestic flights: Provided further, that the passenger shall not be entitled to compensation of the value of the sector deemed canceled, if the passenger is endorsed to another carrier and the passenger is able to complete their journey.

Section 30. Rights of a Passenger for Canceled flights or flights Deemed Canceled. A passenger has a right to compensation in cases of flight cancellation subject to the following rules:

- a. If a flight is canceled due to a cause attributable to air carrier, a passenger shall have the right to:
 - i. Be notified beforehand as soon as possible of the situation via public announcement, written/published notice, and flight status update service either through text or electronic mail;
 - ii. Be provided a minimum level of care immediately, on the spot at terminals/stations;
 - iii. Be offered free of charge;
 - 1. sufficient meals and refreshments in a reasonable relation to the waiting time;
 - 2. hotel accommodation near the airport in cases where a stay of one (1) or more nights becomes necessary, or where a stay

additional to that intended by the passenger becomes necessary;
and ,

3. Transportation service between the airport place of accommodation.

In addition, passengers shall be offered free phone calls, text messaging, fax, emails, or other means of communications, free internet access, and first aid, if necessary.

In applying this provision, the air carrier shall pay particular attention to the needs of persons with reduced mobility and any person accompanying them, as well as to the needs of unaccompanied children;

- iv. Subject to the provisions of Sections 10 and 19 hereof, be reimbursed within five (5) days, either by cash, by electronic bank transfer, bank orders or bank cheques or with the signed agreement of the passenger, in travel vouchers and/or other services of the full cost of the ticket at the price at which it was bought , for the part or parts of the journey not made and for the part or parts already made if the flight is no longer serving any purpose in relation to the passengers original travel plan, together with, when relevant, a return flight to the first point of departure, at the earliest opportunity. If payment is made through credit card, the reimbursement should be credited back to the payor's credit card account within seven (7) days without additional cost to the passenger;
- v. Be endorsed to another air carrier without paying any fare difference, at the option of the passenger, and provided that space and other circumstances permit such re-accommodation; or,
- vi. Rebook the ticket without any additional charge.

In the case of multi-sector journey, in addition to the rights and entitlements stated under this section, a passenger shall be entitled to an additional compensation at a rate which is equivalent to at least the value of the sector canceled due to the cancellation.

- b. In case the carrier cancels the flight because of force majeure, safety, and/or security reasons as certified by the CAAP, a passenger shall have the right to:
 - i. Rebook the trip to another trip in the future, subject to the payment of the fare difference, if any;
 - ii. Reimbursement of the value of the fare;
 - iii. Endorsement to another airline, at the option of the passenger.

This provision shall be the minimum entitlement of a passenger in case of cancellation and shall not prohibit the air carrier from granting more favorable conditions or resources as it may deem appropriate.

Section 31. Rights of Passengers Denied Boarding. A passenger who has checked-in for a particular flight cannot be denied from boarding the aircraft except for legal or other valid causes such as immigration issues, safety and security, and health concerns. In case where a passenger is denied boarding because the number of passengers is not due to overbooking, government, government requisition of space, downgrading of an aircraft or legal orders, the flight in respect to the affected passenger shall be deemed canceled and the compensation shall be governed by the following rules:

- a. If the denial of boarding the aircraft is by reason of overbooking, aircraft downgrading, the passenger concerned shall be compensated in accordance with the provisions of section 29(a) hereof;
- b. If the denial of boarding the aircraft is for some legal or justifiable reason relating to the security or safety of other passengers or applicable regulations as sanctioned by the CAP or legal order of other other authorities, the passenger concerned shall be entitled to refund, rebooking, or endorsement to another carrier subject to payment of fare difference or any administrative charges when applicable;
- c. If the denial of boarding the aircraft is due to government requisition of space, the affected passenger shall be compensated and shall be entitled to remedies in the preceding paragraph with the cost chargeable against the air carrier subject to reimbursement by the requesting agency if allowed; and,

In cases where a passenger is denied boarding for acting in violation of a law or the contract of air carriage affecting the safety and security of another passenger or crew during the voyage, such passenger shall not be entitled to any relief provided for under this Act. Provided, that no passenger shall be denied boarding for two (2) consecutive times on the same day, except when public morals, safety, order, or health requires it; provided further, that PWD's, persons with special needs, senior citizens, pregnant women, and unaccompanied children shall be given preference against being denied boarding.

Section 32. Filling-up Empty Seats. Vacant seats due to cancellations by the passenger and no shows shall be offered by the air carrier, first to the passengers of delayed or canceled flights of the same air carrier of another air carrier, through

endorsement between the two (2) air carriers. Afterwards, any remaining empty seats are to be offered to chance passengers.

Section 33. Loss, Damage, and Delay of Baggage. Every passenger has the right to compensation for any loss, damage, or delay of baggage attributable to the fault of the air carrier. Compensation for loss of baggage shall be in the following amounts.

- a. For international flights, twenty United States dollars (USD 20) per kilogram for checked-in baggage and four hundred dollars (USD 400) for hand-carried baggage.
- b. For domestic flights the equivalent amount in pesos shall apply. A passenger's baggage is presumed lost if, within a period of seven (7) days counted from the time the passenger or consignee should have received the same, the baggage is not delivered to the said passenger or consignee.

Once the baggage is declared to be permanently lost in the case of domestic flights, the provisions set in the contract of carriage shall apply in the valuation of the lost belongings. In case of international flights, the limits set by the Warsaw Convention or the Montreal Convention, whichever is applicable, shall apply.

In case a checked-in baggage has been off-loaded for operational, safety, or security reasons, the air carrier shall inform the passenger at the soonest practicable time, if possible immediately upon the occurrence thereof, and in such manner that the passenger shall readily know of the off-loading that his/her baggage has been offloaded and the reason thereof. If the passenger's baggage has been off-loaded, the air carrier shall make the appropriate report and give the passenger a copy thereof, even if it announced that the baggage shall be on the next flight.

The air carrier shall carry the off-loaded baggage in the next flight with available space, deliver the same to the passenger either personally or at his/her residence, and tender an amount of two-thousand pesos (P2,000.00) for every twenty-four (24) hours of late delivery as compensation for the inconvenience. The passenger shall also have a right to the refund of the checked baggage fees if the baggage was not delivered to the passenger within twenty-four (24) hours from the arrival of the flight.

Air carriers are liable for provable consequential damages up to the amount of their liability limit in connection with loss and delay in the delivery of baggage, in accordance with the limits set by the Warsaw Convention or the Montreal Convention, whichever is applicable.

Damaged baggage shall be compensated at five hundred pesos (P500.00) per kilogram if it is in a domestic flight unless the passenger has declared a higher valuation of the baggage at the check-in time. For international flights, item (a) under this paragraph shall apply.

Section 34. Compensation for Death and Bodily Injuries.

- a. In the case of international flights, the rules of the relevant convention shall apply as to the compensation for death or bodily injuries sustained by a passenger in the contract of carriage.
- b. For domestic flights, the passenger shall be entitled to the compensation subject to the provisions of the contract of carriage or the compensation as provided in the provisions of the relevant convention, in its Philippine currency equivalent whichever is higher.

Section 35. Compensation for Violation of Airline Passenger Rights. In case the air carrier violates the rights of the air passengers, the former shall pay the latter damages amounting to at least fifty thousand pesos (P50,000.00), exclusive of other damages or injury the air passenger has suffered.

CHAPTER IV

RIGHTS, DUTIES, AND OBLIGATIONS OF THE AIR CARRIER

Section 36. Prevention of Harm to the Passengers and Maintenance of Aircraft. An Air carrier shall prevent harm and hazard to passengers by ensuring that it follows all regulations on the airworthiness of the aircraft, complies with rules on hazardous materials protects the passengers from unreasonable harm, and actively responds to harm caused by the aircraft structure, materials, and chemicals.

Section 37. Designation of an "All-Flight" or "Per Route" Counters. Air carriers may operate all-flight counters which will serve passengers without regard to destination. As far as practicable, the air carrier shall, in addition to all-flight counters, open a separate counter dedicated for a flight nearing check-in deadline to facilitate the checking-in of passengers at least an hour before the published ETD.

Section 38. Special Accommodation of PWD's, Persons with Special Needs, Senior Citizens, Pregnant Women, and Unaccompanied Children. To ensure the full enjoyment of the rights enumerated under this Act, the provisions of the following laws and their implementing rules and regulations, whenever applicable, shall form part of this act as far as the passengers in this section are concerned:

- a. Republic Act No. 7277 or the Magna Carta for Disabled persons as amended by Republic Act No. 9442 and its implementing rules and regulations;
- b. Batas Pambansa Blg. 344 or the Accessibility Law;
- c. Republic Act No. 7432 as amended by Republic Act No. 9257 and Republic Act No. 9994 or the Expanded Senior Citizens Act of 2010 and its Implementing rules and regulations.

The contract of air carriage shall clearly enumerate the necessary terms and conditions affecting the rights of PWD's, senior citizens, persons with special needs, pregnant women, and unaccompanied children 15 years old and younger.

Air carriers and its agents, in coordination with the agencies charged with protecting the rights and welfare of the abovementioned passengers, shall implement a system allowing these groups of persons enough and convenient opportunity to comply with aviation requirements and their special needs, facilities and assistance by reason of their individual circumstances throughout the flight. For this purpose, air carriers shall designate at least one (1) check-in counter dedicated to the persons mentioned above.

Section 39. Responsibility of the Air Carrier When the Number of Passengers is Beyond the Capacity of the Aircraft. If a certain flight has more ticketed passengers than the allowed capacity of the aircraft by reason of overbooking, government requisition of space, as well as the downgrading of the aircraft for safety or unforeseen reasons as certified by the CAP, the air carrier shall perform the following:

- a. Determine the number of passengers in excess of the actual seat capacity of the aircraft;
- b. announce that the flight is overbooked, and that it is looking for volunteers willing to give up their seats in exchange for air carrier compensation;
- c. Provide the interested passengers or volunteers a list of amenities and offers from which they can choose, which shall always include priority booking in the next available flight and/or cash incentive; and,
- d. In case the number of volunteers is not enough, the air carrier shall increase the compensation package by a certain degree by adding more amenities/services until the required number of volunteers is met. No flight shall be delayed pursuant to the settlement of the air carrier's obligation under this section.

Section 40. Duty of the Carrier in the Event of Flight Deviation. Flight deviation happens when there is a change in the airport of origin or destination. If such is the case, the air carrier shall provide the necessary transformation to ferry a

passenger from the originally-designated airport of the departure to the actual airport of departure or from the airport of actual destination to the airport of the originally-designated destination, as the case may be.

If, by reason of the deviation, a certain right of a passenger has been violated, the applicable provisions of this Act shall govern the avilment and grant of remedies and compensation.

Section 41. Provision of Assistance Desk. Air carriers shall provide Customer Service Representatives (CSR) who can address common problems on the spot, which include arranging for meals, hotel rooms and accommodations for stranded passengers, writing checks for denied boarding compensation, arranging luggage resolutions and settling other routine claims and complaints.

In addition, the CAB shall provide Complaints and Assistance Desks manned by CAB or CAB-deputized personnel in all airports who shall assist passengers whose rights have been violated, including the filing of the complaint.

Section 42. Remedies of the Passenger. Every passenger whose right provided in this Act is violated shall have the following remedies:

- a. Go to the CSR of the air carrier at their designated counter. Ask for two (2) copies of the report form and write the nature of the complaint.
- b. Submit the forms to the CSR and get an acknowledgement receipt. Give one (1) copy to the CSR for processing.
- c. Give the other copy to the Complaints and Assistance Desk (CAD) of CAB at the airport and attach the report form from the air carrier on the report form from the CAB.
- d. Get acknowledgement receipt of complaint from the CAB.
- e. Get resolution slip from the air carrier's CSR and attach it on the CAB report form and submit it to the CAB-CAD.
- f. If the case is not resolved, go to the CAB-CAD and report such an incident together with documents and other evidence to support the claim.

Section 43. Operational Spare. An air carrier shall, in adopting its flight schedules, exert all efforts to manage the disposition of its aircraft in such a way as to be able to reallocate aircraft to take the place of another aircraft in case the latter cannot carry the passengers due to operational requirement, aircraft maintenance, and other similar situations.

Section 44. Immediate Reporting of Off-loaded Checked Baggage. In case a checked baggage has been off-loaded for operational, safety, or security reasons, the air carrier shall inform the concerned passenger, at the soonest practicable time and in such manner that the passenger shall readily know of such offloading and the reason thereof. If the passenger's baggage has been off-loaded, the air carrier shall make the appropriate report and give the passenger a copy thereof, even if it announced that the baggage shall be on the next flight.

CHAPTER V

OBLIGATIONS OF THE CAP, CAB, AND AIRPORT OPERATORS

Section 45. Availability of Check-in Counters. The CAAP, airport authorities or airport operators, as the case may be, shall provide an adequate number of check-in counters for every air carrier operating in a particular airport.

They shall ensure that the number of check-in counters of an air carrier in a particular airport shall be proportionate to the volume of passengers who are checking-in for a particular flight. In no case shall the queue exceed twenty (20) persons per check-in counter.

Section 46. Assignment of Technical Personnel in Airports. The CAAP shall ensure that every commercial airport is manned by technical personnel capable of verifying and certifying reports of technical or infrastructure problems or other reasons leading to delays and cancellations. The technical personnel concerned shall submit a periodic report of all delays and cancellations and the corresponding reasons thereof to the CAP Central Office.

Section 47. Complaints Desk. The CAB shall provide the necessary personnel to cater the unresolved complaints of passengers in every commercial airport. It shall be the duty of the assigned personnel to report all complaints to the CAB at the earliest possible time, taking into account the nature of the relief sought by the passenger.

CHAPTER VI

REMEDIES AND GRIEVANCE PROCEDURES

Section 48. Amicable Settlement. A passenger and air carrier shall exhaust all efforts toward settling the dispute amicably in accordance with the provisions set forth in this Act. If no amicable settlement is reached, the government, through the CAB, may take cognizance of the case.

CHAPTER VII

PENAL PROVISIONS

Section 49. Penalties. Any violation of this Act shall be penalized in accordance with the provisions of Republic Act No. 776 or the Civil Aeronautics Act of the Philippines, Republic Act No. 7394 or the Consumer Act of the Philippines, Republic Act No. 9442 or the Magna Carta for Disabled Persons, as amended, Batas Pambansa Blg. 344 or the Accessibility Law, Republic Act No. 9994 or the Expanded Senior Citizen's Act, or any other relevant laws, rules, and regulations applicable, as the case may be.

Failure on the part of the air carrier to comply with any of the obligations stated in this Act, upon the order of the CAB shall, after due hearing, be a ground for the suspension of its franchise or license to operate. Grave and repetitive violations after the lifting of the suspension of its franchise or license to operate shall be a ground for revocation of such franchise or license to operate.

Section 50. Review of Penalties. The CAB, in coordination and consultation with the DOTr, Department of Trade and Industry (DTI), and CAAP shall, after three (3) years from the effectivity of this Act and every three (3) years thereafter, review the applicability and enforcement of all foregoing pecuniary penalties and initiate actions for amending or upgrading the same as may be necessary in accordance with law.

CHAPTER VIII

FINAL PROVISIONS

Section 51. Implementing Rules and Regulations. Within sixty (60) days from the effectivity of this Act, the CAB shall, in coordination with the DOTr, DTI, and CAAP, and after consultation with accredited passengers organizations, air carriers, and other directly affected stakeholders, promulgate the necessary rules and regulations to effectively implement the provisions of this Act.

Section 52. Congressional Oversight Committee. A Congressional oversight committee for air passenger rights is hereby constituted in accordance with the provisions of this Act. The committee shall be composed of the Chairman of the Senate Committee on Public Services and the Chairman of the House Committee on Transportation and four (4) additional members from each House to be designated

by the Senate President and the Speaker of the House of Representatives, respectively. The Committee shall, in aid of legislation:

- a. Monitor and ensure the proper implementation of this Act;
- b. Review the collection performance of the Authority; and,
- c. Review the proper implementation of the programs of the Authority and the use of its collected fund.

In furtherance of these objectives, the Committee is empowered to require the DOTr, DTI, CAP, and CAB, to submit all pertinent information, including complaints filed by the passengers and the complaints resolved by the air carriers and the CAB. The Committee shall be in existence for a period of five (5) years, and thereafter, its oversight functions shall be exercised by the Senate Committee on Public Services and the House Committee on Transportation acting separately.

Section 53. Appropriations. The Secretary of Transportation shall immediately include in the Department's program the needed operational requirement in upholding the enumerated rights in this Act, the initial funding of which shall be charged against the current appropriations for the CAB. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Section 54. Separability Clause. If, for any reason, any provision of this Act is declared unconstitutional or invalid, such parts or portions not affected thereby shall remain in full force and effect.

Section 55. Repealing Clause. All laws, executive orders, presidential decrees, issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 56. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,