



Republic of the Philippines
House of Representatives
Quezon City



EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 9620

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

EXPLANATORY NOTE

1 Air travel is a common method of transportation in the country. Filipinos
2 have utilized this method of transportation both domestically and
3 internationally. Noteworthy is the fact that in recent times, the emergence of
4 promotional fares came into play which significantly increased the volume of
5 passengers of air carriers.

6
7 Considering the great number of air passengers it is only necessary
8 that they are granted rights upon entering a contract of air carriage. It cannot
9 be denied that passengers experience different unexpected situations in
10 their respective contracts of air carriage. From flight delays to cancellations,
11 overbooking, baggage problems and even untoward experiences from air
12 carriers' crew.

13
14 It must be emphasized that common carriers which include air crafts
15 are mandated by law to exercise extraordinary diligence. A common carrier
16 is bound to carry the passengers safely as far as human care and foresight
17 can provide using the utmost diligence of very cautious persons with due
18 regard for all circumstances. This extraordinary diligence required of
19 common carriers is calculated to protect the passengers from the tragic

1 mishaps that frequently occur in connection with rapid modern
2 transportation. This high standard of care is imperatively demanded by the
3 precariousness of human life and by the consideration that every person
4 must in every way be safeguarded against all injury.¹

5
6 This Bill is intended to promote the rights of passengers in order for
7 each passenger to have a satisfactory experience in dealing with air carriers.
8 Likewise, it is also one of the objectives of this Bill to improve overall the
9 services rendered by each airline industry. It is about time to have
10 passengers share good stories about their air transport experiences rather
11 than the usual and repetitive unsatisfactory narratives that is usually heard
12 around.

13
14 In view of the foregoing, the passage of this Bill is earnestly sought.


ERIC L. OLIVAREZ

¹Isaac v. A.L. Transportation. G.R. No. L-9671. Dated 23 August 1957



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1
2 **“ AN ACT PROVIDING FOR THE PROTECTION OF THE RIGHTS OF AIRLINE**
3 **PASSENGERS AND PENALIZING VIOLATIONS THEREOF”**
4

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

7 **SECTION 1. Short Title.** – This Act shall be known as the “*Air Passengers’ Rights*
8 *Protection Act of 2021*”.

9 **SECTION 2. Declaration of Policy.** – It shall be the policy of the State to promote
10 human rights and to provide for compensation to victims of violations of these rights, or
11 their families. Towards this end, the State shall create measures to ensure that human
12 rights of air passengers are respected and not violated by providing a Bill of Rights for air
13 passengers and penalties for violations thereto.

14 **SECTION 3. Definition of Terms.** –

15 a. *Contract of Carriage* is defined as one whereby a certain person or association
16 of persons obligate themselves to transport persons, things, or news from one place to
17 another for a fixed price.

1 b. *Extraordinary diligence* is defined as the rendition of service with the greatest
2 skill and utmost foresight.

3 c. *Passenger* – A passenger shall mean any person except the members of the
4 crew, carried or to be carried, on a civil aircraft pursuant to a ticket.

5 d. *Tarmac Delay* – A tarmac delay occurs when an airplane on the ground is either
6 awaiting takeoff or has just landed and passengers do not have the opportunity to get
7 off the plane.

8 e. *Airworthiness* – Airworthiness means that an aircraft, its engines, propellers,
9 and other components and accessories are of proper design and construction and are
10 safe for air navigation purposes such design and construction being consistent with
11 accepted engineering practice and in accordance with aerodynamic laws and aircraft
12 science.

13 **SECTION 4. Scope.** – This Act shall apply to contracts of carriage by air operating
14 to or from the territory of the Philippines whether operated by Philippine air carriers or
15 foreign carriers.

16 **SECTION 5. Perfection of the Contract of Air Carriage.** – The contract of air
17 carriage is perfected from the moment the air carrier and the passenger give their
18 respective consent to the agreement.

19 There is consent when the air carrier issues a confirmation of airline ticket in favor
20 of the passenger who accepts and holds it in his possession with the corresponding full
21 payment of the fare by the passenger.

22 **SECTION 6. Extraordinary Diligence of Air Carriers.** – An air carrier is bound to
23 carry the passengers safely as far as human care and foresight can provide using the
24 utmost diligence of very cautious persons with due regard to all circumstances.

25 RIGHTS AND OBLIGATIONS OF THE PASSENGERS

26 **SECTION 7. Right to Full Disclosure of Information regarding the Contract of**
27 **Carriage.** – Every passenger shall have the right to the full disclosure of the information
28 on the terms and conditions of any ticket for a contract of carriage to be purchased by an
29 air passenger. The information shall include, but shall not be limited to, the fare and
30 ancillary charges, travel restrictions, baggage limitations, check-in and boarding details,
31 responsibilities of the air carrier, procedure for claims against the air carrier, services and
32 amenities provided by the air carrier and other pertinent conditions included in the
33 contract of carriage.

1 The abovementioned disclosure of information shall be printed on or attached to
2 the passenger ticket or be incorporated by reference. For bookings made through a
3 ticketing office, the disclosures shall be provided by the agent in said office. For bookings
4 made online, the air carrier must establish a system wherein the purchaser is fully
5 apprised of the disclosures under this Section prior to the final submission of the
6 passenger's offer to purchase.

7 Advertisements of fares shall be clear, truthful and shall not be misleading.
8 Advertisements of fares shall be required to include the conditions and restrictions
9 attached to the fare type, refund and rebooking policies, government taxes and fuel
10 surcharges, other fees and charges, contact details of the air carrier, the number of seats
11 offered on a per sector basis in case of promotional fares, and other information
12 necessary to apprise the passenger of the conditions and full price of the ticket being
13 advertised.

14 **SECTION 8. *Right to Receive the Full Value of the Service Purchases.* –**
15 Passengers shall have the right to utilize the full value of the services that they have
16 purchased. Air carriers are prohibited from denying or diminishing any service that has
17 been purchased by the passenger.

18 **SECTION 9. *Right to Rebook.* –** The right to rebook a flight shall be available to
19 any passenger who has purchased a rebookable ticket in accordance with the terms and
20 conditions set forth in the rebooking policy of the air carrier.

21 **SECTION 10. *Right to Refund.* –** The right to refund shall be available to any
22 passenger who has purchased a refundable ticket. Subject to the proper refunding
23 procedure as provided for by the air carrier concerned, passengers shall have the right to
24 refund any unused ticket within a reasonable amount of time.

25 **SECTION 11. *Right to Cancel a Flight.* –** The right to cancel a flight shall be
26 available to passengers subject to the following conditions:

27 For passengers who have purchased a refundable ticket, the passenger shall be
28 reimbursed by the air carrier for an amount equivalent to seventy-five (75) percent of the
29 fare, provided that the cancellation was made twenty-four (24) hours or more before the
30 date of departure. In the event that the passenger cancels a flight less than twenty-four
31 (24) hours before the time of departure or there be a non-appearance on the part of the
32 passenger, the ticket shall be considered flown with the fare deemed forfeited unless the
33 refund policy of the air carrier provides otherwise.

34 **SECTION 12. *Right to be Processed for Check-in.* –** Any passenger holding a
35 confirmed ticket and complete documentary requirements shall be processed accordingly
36 at the check-in counter within the period of time as provided for by the air carrier. A

1 uniform schedule of the opening of check-in counters and check-in deadlines for both
2 local and international flights shall be provided for by the Civil Aeronautics Board (CAB)
3 in order to provide the passengers a reasonable amount of time to be processed for
4 check-in.

5 It shall be the responsibility of the air carrier to ensure that all its passengers for a
6 particular flight have already checked-in before accepting its passengers from previously
7 delayed or cancelled flights followed by the chance passengers in that order should there
8 be available seats.

9 **SECTION 13. *Right to Board Aircraft for the Purpose of Flight.*** – A passenger
10 who has checked-in for a particular flight shall have the right to board the aircraft for the
11 purpose of the flight except for legal and/or valid causes.

12 **SECTION 14. *Right Against Any Act of Discrimination and Vexation.*** – Every
13 passenger shall have the right to be respected at all times by the air carrier who is
14 represented by its crew and its employees. The air carrier must serve its passengers with
15 utmost respect and courtesy regardless of race, sex, gender, education, income, social
16 status, language, physical and mental characteristics, religion, marital status, political
17 belief, and other circumstances.

18 **SECTION 15. *Right to Safety.*** – The right to safety shall be available to all
19 passengers. This right shall entail the right to access and to use emergency and safety
20 devices, medical assistance, and proper application of first aid procedures during
21 emergency situations or when his or her health requires.

22 Furthermore, the air carrier is liable for damage sustained in the event of the death
23 or wounding of a passenger or any injury suffered by a passenger, if the accident which
24 caused the damage so sustained took place on board the aircraft or in the course of any
25 of the operations of embarking or disembarking.

26 **SECTION 16. *Right to Redress and Compensation.*** – The right to take action
27 against the air carrier shall be available to any passenger who has suffered any wrong or
28 injury by reason of the contract of carriage. Coupled with the right to redress is the
29 passengers' right to be compensated promptly and expeditiously in case of any wrong or
30 injury.

31 **SECTION 17. *Right of Passengers for Delayed Flights.*** – The right to
32 compensation for flights not flown within a reasonable time from the scheduled time of
33 departure shall be available to all concerned passengers. This Section shall provide the
34 claims available for affected passengers but shall not prohibit any air carrier from granting
35 more favorable conditions at it may deem appropriate.

- 1 a) Terminal Delay – In case the flight is delayed for at least three (3) hours and such
2 is attributable to the air carrier, a passenger shall have the right to:
3 i. Be informed of the reason for the delay and the estimated time of departure
4 as soon as the information is available;
5 ii. Be offered sufficient meals and refreshments, access to communication
6 systems free of charge
7 iii. Ask for a refund or rebooking in accordance with the terms and conditions
8 of the contract of carriage;
9 iv. Ask for endorsement to another air carrier subject to payment of
10 administrative charges

11 In case the flight is delayed for at least six (6) hours for causes attributable to the
12 air carrier, the flight shall be deemed cancelled and the affected passengers shall be
13 entitled to the remedies provided for in this Act.

- 14 b) Tarmac Delay – Every passenger shall likewise have the right to adequate food
15 and beverage in cases of tarmac delay of at least two (2) hours after the supposed
16 time of departure, reckoned from the closing of the aircraft doors or when the
17 aircraft is still at the gate with the doors still open. In case the delay exceeds five
18 (5) hours, the passenger may request disembarkation.

19 In cases of a multi-sector journey where the air carrier is at fault, a passenger shall
20 also be entitled to an additional compensation at a rate which is equivalent to at least
21 the value of the sector cancelled by reason of the delay. *Provided*, that in case of
22 connecting flights with another air carrier, the passenger has allotted sufficient
23 connecting time of at least three (3) hours for international flights and two (2) hours for
24 domestic flights. *Provided further*, that the passenger shall not be entitled to the
25 compensation of the value of the sector deemed cancelled, if the passenger is endorsed
26 to another air carrier and the passenger is able to complete his journey.

27 **SECTION 18. *Right of a Passenger for Cancelled Flights or Flights Deemed***
28 ***Cancelled.*** – The right to compensation shall be available to affected passengers in
29 cases of flight cancellation subject to the following rules:

- 30 a) If a flight is cancelled for causes attributable to the air carrier, affected passengers
31 shall have the right to:
32 i. Be notified immediately personally and via public announcement of the
33 situation and the flight status update;
34 ii. Avail sufficient meals and refreshments free of charge;

- 1 iii. Avail hotel accommodation including the necessary transportation service
2 in cases where a stay additional to that intended by the passenger becomes
3 necessary, free of charge;
- 4 iv. Be entitled to refund the fare the passenger paid for the ticket within a
5 reasonable amount of time and in a manner most convenient to both the air
6 carrier and the passenger. The passenger shall be reimbursed the full cost
7 of the ticket at the price at which it was bought;
- 8 v. Be endorsed to another air carrier without paying any fare difference at the
9 option of the passenger;
- 10 vi. Rebook the ticket without any additional charge. In the case of a multi-
11 sector journey, in addition to the rights and entitlements stated under this
12 Section, a passenger shall be entitled to an additional compensation at a
13 rate which is equivalent to at least the value of the sector cancelled.
14 *Provided*, that in case of connecting flights with another air carrier, the
15 passenger has allotted sufficient connecting time of at least three (3) hours
16 for international flights and two (2) hours for domestic flights. *Provided*
17 *further*, that the passenger shall not be entitled to the compensation of the
18 value of the sector deemed cancelled, if the passenger is endorsed to
19 another air carrier and the passenger is able to complete his journey.
- 20 b) If a flight is cancelled due to circumstances not attributable to the air carrier such
21 as infrastructure limitations, safety reasons due to technical limitations, security
22 reasons or any other fortuitous event, affected passengers shall have the right to:
- 23 i. Rebook the flight, subject to the payment of the fare difference, if any, and
24 reasonable administrative costs as approved by the CAB; or
- 25 ii. Reimbursement of the value of the fare, subject to the payment of
26 reasonable administrative costs approved by the CAB;
- 27 iii. Endorsement to another air carrier upon payment of any fare difference, at
28 the option of the passenger.

29 **SECTION 19. *Rights of Passengers Denied Boarding.*** – Passengers denied
30 boarding by reason of overbooking, government requisition of space, downgrading of
31 aircraft or legal orders, the affected passengers shall have the following rights:

- 32 a) If the denial is by reason of overbooking or aircraft downgrading, the affected
33 passenger shall be compensated in accordance with the provisions of Section 18
34 (a) and shall have the right to damages, in accordance with the pertinent provisions
35 of the Civil Code of the Philippines; and
- 36 b) If the denial is by reason for a justifiable reason relating to the security, or safety
37 of other passengers, or applicable regulations as sanctioned by the Civil Aviation

1 Authority of the Philippines (CAAP), or legal order of proper authorities, the
2 passenger affected shall be entitled to refund, rebooking, or endorsement to
3 another air carrier, subject to payment of fare difference and/or any administrative
4 charges as approved by CAB.

5 **SECTION 20. *Right to Compensation for Delayed, Lost and Damaged***
6 ***Luggage.*** – The air carrier shall be liable for any damage sustained in the event of any
7 destruction or loss of, or damage to, any registered luggage or any goods, if the
8 occurrence which caused the damage so sustained took place during the carriage by air.

9 The carriage by air within the meaning of the preceding paragraph comprises the
10 period during which the luggage or goods are in charge of the carrier, whether in an airport
11 or on board an aircraft, or, in the case of a landing outside an airport, in any place
12 whatsoever.

13 In case a checked-in baggage has been off-loaded for operational, safety, or
14 security reasons, the air carrier shall inform the passenger at the soonest practicable time.
15 The air carrier shall carry the off-loaded baggage in the next flight with available space,
16 and deliver the same to the passenger either personally, or at his/her residence, at the
17 option of the passenger.

18 For compensation purposes, a passenger's baggage is presumed to have been
19 permanently and totally lost, if within a period of seven (7) days, counted from the time
20 the passenger should have received the same, the baggage is not delivered to the
21 passenger or consignee.

22 **DUTIES AND OBLIGATIONS OF THE AIR CARRIERS**

23 **SECTION 21. *Prevention of Harm to Passengers and Maintenance of***
24 ***Aircraft.***– The air carrier shall see to it that all regulations of airworthiness of the aircraft
25 have been complied with in order to ensure the safety of its passengers.

26 **SECTION 22. *Designation of “All-Flight” and “Per Route” Counters.*** – Air
27 carriers may operate all-flight counters which will serve passengers without regard to
28 destination. As far as practicable, the air carrier shall, in addition to all-flight counters,
29 open a separate counter dedicated for a flight nearing check-in deadline to facilitate the
30 checking-in of passengers at least an hour before the published time of departure.

31 **SECTION 23. *Responsibility of the Air Carrier when the Number of***
32 ***Passengers is Beyond Capacity of the Aircraft.*** – If for any reason such as
33 overbooking, government requisition of space, downgrading of the aircraft or any
34 unforeseen operational reason a certain flight has more ticketed passengers than the
35 actual capacity of the aircraft, the air carrier concerned shall:

- 1 a) Determine the excess number of passengers;
- 2 b) Announce that the flight is overbooked in order for all passengers be fully
3 apprised of the situation;
- 4 c) Determine whether there are passengers who are willing to give up their
5 seats in exchange of compensation and be subject to the rights set forth in
6 this Act; and
- 7 d) Should there be no volunteers, priority shall be given to those who
8 purchased tickets earlier.

9 **SECTION 24. *Duty of the Air Carrier in the Event of a Flight Deviation.*** – In the
10 event that there will be a flight deviation, the air carrier shall be responsible in providing
11 the necessary transportation for ferrying the passenger from the originally-designated
12 airport of departure to the actual airport of departure or from the airport of actual
13 destination to the airport of the originally-designated destination, as the case may be.

14 **SECTION 25. *Duty to Provide Assistance Desks.*** – Air carriers shall provide
15 assistance desks which shall include customer service representatives who can address
16 concerns of passengers immediately such as arranging for meals, hotel rooms, arranging
17 luggage issues and settling other complaints.

18 **OBLIGATIONS OF THE CAAP, CAB, AND AIRPORT OPERATORS**

19 **SECTION 27. *Availability of Check-in Counters.*** – The CAAP, airport
20 authorities, and airport authorities shall provide an adequate number of check-on
21 counters for every air carrier for every air carrier in proportion to the volume of passengers
22 for every air carrier.

23 **SECTION 28. *Assignment of Technical Personnel in Airports.*** – The CAAP
24 shall ensure that every commercial airport is manned by technical personnel capable of
25 verifying and certifying reports of technical or infrastructural problems.

26 The technical personnel concerned shall submit a periodic report of all delays and
27 cancellations and the corresponding reasons thereof to the CAAP Central Office.

28 **SECTION 29. *Complaints Desk.*** – The CAB shall provide the necessary
29 personnel to cater the unresolved complaints of passengers in every commercial airport.
30 It shall be the duty of the assigned personnel to report all complaints to the CAB at the
31 earliest time possible taking into account the nature of the relief sought by the passenger.

1 **SECTION 30. *Penalty for Violations.*** – Any violation of this Act shall be penalized
2 in accordance with the pertinent provisions of the Civil Aeronautics Act of the Philippines
3 and the Consumer Act of the Philippines. Furthermore, failure on the part of the air carrier
4 to comply with any of its obligations shall be a ground for suspension of its license to
5 operate. Finally, grave and repetitive violations after the lifting of the suspension to
6 operate shall be a ground for revocation of license to operate.

7 **SECTION 32. *Implementing Rules and Regulations.*** – Within ninety (90) days from
8 the effectivity of this Act, the Department of Transportation and Communications
9 (DOTC), Department of Trade and Industry (DTI), CAAP and the CAB, in consultation
10 with the appropriate passenger organizations, shall promulgate the necessary rules and
11 regulations for the effective implementation of this Act.

12 **SECTION 33. *Congressional Oversight Committee.*** – A Congressional
13 Oversight Committee is hereby constituted. The Committee shall be composed of the
14 Chairman of the Senate Committee on Public Services and Chairman of the House
15 Committee on Transportation and four (4) additional members from each House to be
16 designated by the Senate President and the Speaker of the House of Representatives.
17 The Congressional Oversight committee shall be in existence for a period of five (5) years.
18 Thereafter, its oversight functions shall be exercised by the Senate Committee on Public
19 Services and House Committee on Transportation.

20 **SECTION 34. *Appropriations.*** – The Secretary of Transportation shall
21 immediately include in the Department’s program the needed operational requirement to
22 effectively implement the provisions of this Act which shall be charged against the current
23 appropriations of the CAB. Thereafter, such sums as may be necessary for the continues
24 implementation of this Act shall be included in the annual General Appropriations Act.

25 **SECTION 35. *Separability Clause.*** – If any provision of this Act is declared invalid
26 or unconstitutional, the other provisions not affected thereby shall remain valid and
27 subsisting.

28 **SECTION 36. *Repealing Clause.*** – All acts, executive orders, memorandum
29 circulars/guidelines and other issuances or parts thereof, which are inconsistent with
30 this Act, are hereby repealed or modified accordingly.

31 **SECTION 37. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
32 publication in the Official Gazette or in two (2) newspapers of general circulation

33 **Approved.**