



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.<sup>1</sup>

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

---

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



Republic of the Philippines  
**House of Representatives**  
Quezon City

**EIGHTEENTH CONGRESS**  
*Second Regular Session*

House Bill No. 9620

---

---

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

---

---

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 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.**