



Republic of the Philippines
Department of Transportation and Communications
CIVIL AERONAUTICS BOARD



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MS. MENY-LYN DEL VALLE-DEL ROSARIO

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Rica S.
CAB LEDJAN17'19AM10:21

Subject : Freedom of Information Request re: Information on Air Passenger Complaints

Dear Ms. Del Valle-Del Rosario:

This pertains to your request for information on the following matters for your thesis:

1. Rules and regulations on air passenger complaint handling

Under Republic Act No. 776, the Civil Aeronautics Board (CAB) is mandated to regulate the economic aspect of air transportation, and shall have the general supervision, control and jurisdiction over air carriers, general sales agents, cargo sales agents, and air freight forwarders as well as their property, property rights, equipment, facilities, and franchise. In the exercise of its regulatory powers, it is authorized to issue Certificates of Public Convenience and Necessity (CPCN) to domestic carriers, Foreign Air Carrier's Permit (FACP) to foreign carriers, and Letters of Authority to airfreight forwarders, general sales agents, cargo sales agents who are fit, willing, and able to perform services. It is mandated to develop and promote the air potential of the Philippines with due regard to public interest and convenience.

The mandate of the CAB being the economic regulator of the aviation industry has evolved to include as one of its principal functions the protection and promotion of consumer rights taking into consideration the balance between protection of consumers and industry competitiveness, consistent with the Warsaw and Montreal Conventions. The ICAO has formulated the following core principles on consumer protection:

1. Passengers should have clear, transparent access to all pertinent information regarding the characteristics of the air transport product that is being sought, prior to purchasing the ticket;
2. Passengers should be kept regularly informed on any circumstances affecting their flight; and
3. Passengers should be able to rely on efficient complaint handling procedures that are clearly communicated to them.

In the Philippines, the increasing number of people travelling by air has resulted to an increase in the number of complaints, as well, warranting immediate response from government to protect public interest.

In response to such complaints, the Department of Transportation and Communication (DOTC), together with the Department of Trade and Industry (DTI), approved the Joint DOTC-DTI Administrative Order No. 1 Series of 2012, implemented by the CAB or Economic Regulation No. 09, otherwise known as the "Air Passenger Bill of Rights," which took effect

on Dec. 21, 2012. The issuance seeks to provide three basic rights: right to accurate information, right to avail of the service purchased, and right to compensation.

Attached herewith are copies of DOTC-DTI Administrative Order No. 1, series of 2012, and CAB Economic Regulation No. 9.

2. Standard procedures in the handling of passenger complaints

As a matter of procedure, any complaint is initially referred to the concerned airline, being the service provider and frontliner in accordance with the Air Passenger Bill of Rights (APBR), for investigation and resolution. Airlines have different procedures in handling passenger complaints. However, these procedures should be in line with the APBR and other relevant international conventions.

3. CAB's procedure in handling formal complaints against airlines

On-site Resolution of Complaints

Passenger Rights Action Officers (PRAOs) are deployed in 31 commercial airports including NAIA. Should there be complaints, PRAOs shall take down the details thereof, and strive to resolve the complaint onsite by conferring with the airline station manager and the appropriate personnel of the airport for data validation and other related concerns. Concerns that may be possibly resolved onsite include but are not limited to passenger guidance particularly in cases of delayed and cancelled flights, erroneous booking, stand-by assistance, chance ticketing, and other minor concerns.

If the complaints are such as cannot be resolved onsite, like forfeitures, controverted claims for refunds, rebooking, or other matters which require further inquiry and/or investigation, the passenger is required to file a written complaint by fully accomplishing the Complaint form onsite. The tickets and other documents that may be necessary for the complaint should be attached to the Complaint form. The matter is then referred to the CAB's Legal Division for further investigation and eventual resolution.

PRAOs also conduct roving inspections and observe airline check-in processes, including passenger protocols in case of denials of boarding, late check-ins, stand-by/accommodation/rebooking. Any question or doubt should be counterchecked with the airline's manual for handling passenger and/or the CAB's existing regulations.

PRAOs, likewise, regularly check the status of flights on flight monitors situated throughout the airport terminal. Should there be an announcement of delay or cancellation, they shall verify the reason for such delay or cancellation with the airline's station manager and appropriate personnel of the airport. They should immediately proceed to the airline's standby services counter in the event of a delay or cancellation.

The CAB also has a contact center that can receive complaints on line and through its Mobile App named APBR.

Complaints Resolution before the Legal Division

Complaints received from our Passenger Rights Action Desks, APBR Hotline 16-566, APBR email (apbr@cab.gov.ph and legal@cab.gov.ph), endorsements of DTI, DOTr and CAAP, and those filed directly with the CAB, are docketed and a show-cause letter will be issued to the respondent airline. The concerned airline shall submit its comment within five (5) working days from receipt of the show-cause letter. Upon receipt of the airline's comment, the complainant is given the option to file its reply and the concerned airline may file its rejoinder. If necessary, a clarificatory hearing may be scheduled to verify the authenticity of

evidence presented by both parties. Thereafter, a resolution will be prepared assessing appropriate penalties against the erring airline or dismissing the complaint.

For further information, a copy of the procedure is attached herewith.

4. Air passenger complaints from 2012 to 2018 (annual number of complaints and types, number of resolved and unresolved)

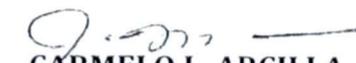
Please find attached data indicating air passenger complaints from 2012 to 2018.

5. Xiamen Air mishap last August 28 (number of flights and passengers affected; number and type of complaints filed, status whether resolved or unresolved)

Please find attached data on the number of flights affected, number and type of complaints filed relative to the Xiamen Air mishap last August 2018.

We hope this addresses your concern.

Very truly yours,


CARMELO L. ARCILLA
Executive Director