

[RESOLUTION NO. 155 (2001), SEPTEMBER 20, 2001, September 20, 2001]

RULES AND PROCEDURES CONCERNING FLIGHT SCHEDULES AND CHANGES IN FLIGHT SCHEDULES OF DOMESTIC AIR CARRIERS

WHEREAS, the Civil Aeronautics Board has been receiving complaints about delays and abrupt cancellations of domestic scheduled flights, causing inconvenience and prejudice to passengers;

WHEREAS, Section 11, paragraph 6 of Chapter IV (Certificate of Public Convenience and Necessity) and Section 42 (k) of Chapter VII (Violations and Penalties) of R.A. 776, otherwise known as "The Civil Aeronautics Act of the Philippines", provide as follows:

"Section 11 (6) The permit shall, among others, specify the terminal and intermediate points, if any, between which the air carrier is authorized to operate; the service to be rendered; the time of arrival and departure at each point, and the frequency of flights: Provided, That no change in routes, rates, schedules, or frequency nor supplemental or additional flights to those covered by an Air Commerce Permit or franchise shall be effected without prior approval of the Civil Aeronautics Board. xxx"

"Section 42 (K) Any person who without previous approval and authorization of the Board, shall adopt, establish, maintain, change, revise, abandon, alter, amend, defer, reject, discontinue, suspend, or restore, any classification, rule or regulation, or practice affecting routes, itineraries, schedules, classifications, increase or decrease of frequency of flights, in any manner whatsoever, shall be punished by a fine of five thousand pesos. The repetition of such offense shall be sufficient cause for revocation of the permit."

WHEREAS, Section 1.0 (1.3) of Rule III (Domestic Air Transportation) of the Implementing Rules and Regulations of Executive Orders Nos. 219 and 32, provide as follows:

"1.3 Under ordinary circumstances, domestic carriers operating the domestic routes shall file with the Board any application for change(s) in frequencies, times of operation, routing and type of service, aircraft type and other similar changes in operational matters, at least fifteen (15) calendar days prior to the intended effectivity date of such change(s). The Board reserves the right to deny or modify any change(s) applied for by the carrier if public interest so requires. Changes in schedules shall be published by the air carrier concerned in a newspaper of general circulation for at least two (2) times and posted in airport(s) affected by such changes.

"Application for change(s) in operational matters due to fortuitous events or force majeure, such as technical problems and other similar operational exigencies, may be filed within a shorter period commensurate with the nature of exigency."

WHEREAS, it is necessary to set clear guidelines, rules and procedures on the above matters to guide the domestic air carriers, as well as to serve the interest of the riding public;

NOW, THEREFORE, premises considered, the Board RESOLVED, as it hereby RESOLVES, to adopt the following rules and procedures concerning flight schedules and changes in flight schedules of domestic air carriers:

1. Under ordinary circumstances, domestic air carriers are required to file with the Board their application for approval of their flight schedules or for any change in their previously approved flight schedules not later than fifteen (15) calendar days prior to the intended effectivity date of their flight schedules or prior to the intended effectivity date of the change/s in their flight schedules. Upon approval by the Board of such flight schedules or any changes thereof, the same shall be published by the air carrier concerned in a newspaper of general circulation for at least two (2) times prior to the effectivity date of such flight schedules or any changes thereof, and posted in airport(s) affected by such flight schedules or any changes thereof.

2. Applications for flight schedules, or for any change/s in the approved flight schedule filed under ordinary circumstances as provided in Section 1, above, shall be acted upon by the Board not later than five (5) days before the intended effectivity date. Failure of the Board to act on the said application on the fifth (5th) day prior to the intended effectivity date shall be deemed an approval thereof, without prejudice, however, to a subsequent action by the Board, motu proprio or through a petition filed by any interested party/ies, provided that the Board shall render its decision only after due notice and hearing. Should the Board needs additional time to study the application and/or to give additional time for other interested parties to file their objections or comments thereto, the Board may grant a temporary or provisional authority or approval, if the circumstances so warrant, such as when the public interest so requires and/or the objection/s thereto do/es not, on its face, appear to be meritorious.

3. Under extraordinary circumstances, prior approval or authorization of the Board shall immediately be secured by the domestic air carrier concerned at the earliest instance that the air carrier becomes cognizant that such flight schedule deviation, delay, change or cancellation is inevitable, provided that such an application be filed not later than one (1) hour before the scheduled flight. The Board may grant a temporary or provisional approval or authority when the circumstances so warrant. However, if the Board will be unable to deliberate on the application due to time constraints, the Board may authorize only the mounting of the delayed/changed flight schedule or cancellation of the scheduled flight, as the case may be, without making any pronouncement or judgment as to the merit of the application. The Board shall subsequently determine, after due notice and hearing, whether such deviation, delay, change or cancellation of the scheduled flight, is really justified or not. The Board, if the circumstances so warrant, may also require the appropriate responsible officer of the air carrier concerned to submit a Sworn Statement indicating the cause/s or reason/s for such deviation, delay, change or cancellation of the approved flight schedule. If the Board finds that such deviation,