

# [ Commonwealth Act No. 168, November 12, 1936 ]

## **AN ACT PROVIDING FOR THE PROMOTION AND DEVELOPMENT OF CIVIL AVIATION IN THE PHILIPPINES, CREATING THE BUREAU OF AERONAUTICS, AND DEFINING ITS POWERS, DUTIES AND FUNCTIONS.**

*Be it enacted by the National Assembly of the Philippines:*

### CHAPTER I.—*Title and Purpose*

SECTION 1. *Title of Act.*—The short title of this Act shall be the "Civil Aviation Law."

SEC. 2. *Purpose and scope of Act.*—The general purpose of this Act shall be the promotion, development, and control of air commerce, air communication, and all forms of civil aeronautics in the Philippines.

### CHAPTER II.—*Definition of Terms*

SEC. 3. *Words and phrases defined.*—The following definitions shall control in the application and construction of this Act:

- a. The term "air commerce" shall be taken to mean and include transportation in whole or in part by aircraft of persons or property for hire, the navigation of aircraft in furtherance of a business, or the navigation of aircraft from one place to another for operation in the conduct of a business.
- b. The term "aircraft" shall be taken to mean and include airplanes, seaplanes, airships, balloons, and/or any other vehicles or contrivances now known or hereafter invented, used, or designated for navigation or flight in the air without other support than the atmosphere, except parachutes or other safety contrivances designed for such navigation but used primarily as safety equipment.
- c. The term "airman" shall be taken to mean and include any individual (including the person in command, and any pilot, mechanic, or member of the crew) who engages or assists in the navigation or operation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repairing of aircraft or of parachutes.
- d. The term "scheduled airline" shall be taken to mean an airline operating between specific points for the purposes of air commerce on a regular schedule in accordance with minimum requirements prescribed by this Act and/or regulations issued hereunder, except as prevented by an act of God, public enemy, weather conditions, strikes, or other causes beyond the control of such person.
- e. The term "person" where the context reasonably permits, shall be taken to mean and include individuals, partnerships, joint enterprises, associations, and/or corporations.
- f. The term "airworthiness" shall be taken to mean that an aircraft, its engines, propellers and other components and accessories, are of proper design and construction, and are safe for air navigation purposes; and such design and

construction being consistent with accepted engineering practice and in accordance with aerodynamic laws and aircraft science.

- g. The term "airport" shall be taken to mean any locality, either on water or on land, which is adapted for the landing and taking off of aircraft and which provides facilities for shelter, supply, and repair of aircraft, or a place used regularly for receiving or discharging passengers or cargo by air.
- h. The term "airport of entry" shall be taken to mean any airport designated by the Secretary of Finance as an airport of entry for civil aircraft arriving in the Philippines from any place outside thereof and for passengers and merchandise carried on such aircraft.
- i. The term "emergency landing field" shall be taken to mean any locality, either on water or on land, which is adapted for landing and taking off of aircraft, is located along an airway, and is intermediate to airports connected by the airway, but which is not equipped with facilities for shelter, supply, and repair of aircraft and is not used regularly for the receipt or discharge of passengers or cargo by air.
- j. The term "air navigation facility" shall include any airport, emergency landing field, light or other signal structure, radio directional finding facility, radio or other electrical communication facility, and any other structure or facility used as an aid to air navigation.
- k. The term "civil airway" shall be taken to mean a route in the navigable airspace designated by the Director of Aeronautics as a route suitable for air commerce.
- l. The term "Secretary" shall mean the Secretary of Public Works and Communications, and the term "Director" shall mean the Director of Aeronautics unless otherwise specified.

### CHAPTER III.—*Bureau of Aeronautics*

SEC. 4. *Bureau of Aeronautics*.—There is hereby created a Bureau of Aeronautics to be immediately organized under the Department of Public Works and Communications; and the Secretary is authorized, any provision of law to the contrary notwithstanding, to assign, either temporarily or permanently, any employee or employees and equipment from any of the bureaus and offices under his Department, and to transfer any item of appropriation for salaries and wages from any such bureaus and offices to the Bureau of Aeronautics. He may also employ such personnel as may be necessary for the proper functioning of the Bureau from any funds pertaining to aviation which may be at his disposal.

The Secretary shall render the President of the Philippines and the National Assembly, at the next regular session, a report of all assignment of employees, employment of personnel, and transfer of appropriations made in accordance with the provision of this section.

SEC. 5. *Official of the Bureau of Aeronautics*.—The Bureau of Aeronautics shall be under the immediate executive control and supervision of the Director of Aeronautics who shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly, and shall have the rank and salary of Director of a first class Bureau.

### CHAPTER IV.—*Powers and Duties of the Director*

SEC. 6. *General authority and responsibility.*—Subject to the general control and supervision of the Secretary, the Director of Aeronautics is charged with the responsibility and vested with the authority to carry out the purposes and enforce the provisions of this Act, and the rules and regulations issued hereunder; and he shall have, among others, the following specific powers and duties:

- a. *Designation and establishment of civil airways.*—To designate and establish civil airways, acquire, construct, operate, and maintain along such airways all necessary emergency and intermediate landing fields and other air navigation facilities utilizing the equipment, supplies, materials and assistance of existing agencies of the Government, so far as practicable.
- b. *Research and experimentation.*—To conduct research and experimentation regarding the possibility of aircraft construction and the use of Philippine products in such construction.
- c. *Public use of Government air navigation facilities.*—Except as otherwise herein expressly provided, to make available for public use, under such conditions and to such extent as he may deem advisable, all civil air navigation facilities, owned or operated by the Philippine Government, or any subdivision thereof: Provided, however, That no exclusive right shall be given for the use of any civil airway, airport, emergency landing field, or other air navigation facility under his jurisdiction.
- d. *Publication of aeronautical bulletins.*—To publish from time to time, whenever he may deem it advisable, a bulletin setting forth such matters relating to aeronautics including air navigation treaties and laws, and regulations and decisions thereunder.
- e. *Acquisition of aircraft and air navigation facilities.*—To acquire and operate such aircraft and air navigation facilities as may be necessary for executing the duties and functions prescribed by this Act.
- f. *Exchanging aeronautical information with foreign government.*—To foster the development of aviation by exchanging with foreign governments information pertaining to civil aviation, and by such other means as may be consistent with the provisions of this Act.
- g. *Investigation of accidents.*—To investigate accidents in civil air navigation in the Philippines, including the attending facts, conditions and circumstances, and for that purpose the Director, or any officer or employee of the Bureau of Aeronautics, designated by him in writing for the purpose, is authorized to hold public hearings in such places or at such times he shall deem practical, and for the purpose of such hearings, administer oaths, examine witnesses, require the preservation of evidence and issue subpoenas for the attendance and testimony of witnesses books, or the production of books, papers, documents, exhibits or other evidence, or the taking of depositions before any designated individual competent to administer oaths. Witnesses summoned or whose depositions are taken shall receive the same fee and mileage as witnesses in the Court of First Instance. All evidence taken at the hearing shall be recorded and forwarded to the Director. At the conclusion of the investigation or hearing on any such accident, or as soon thereafter as circumstances permit, the Director shall make a complete report thereof to the Secretary, who shall, if he deems it in the public interest, make a statement of the probable cause or causes of the accident, except that when the accident has resulted in serious or fatal injury, it shall be the duty of the Secretary to make public such statement. Neither any such statement nor any report of such investigation or