

[REPUBLIC ACT NO. 9497, March 04, 2008]

AN ACT CREATING THE CIVIL AVIATION AUTHORITY OF THE PHILIPPINES, AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* — This Act shall be known as the "Civil Aviation Authority Act of 2008."

SEC. 2. *Declaration of Policy.* — It is hereby declared the policy of the State to provide safe and efficient air transport and regulatory services in the Philippines by providing for the creation of a civil aviation authority with jurisdiction over the restructuring of the civil aviation system, the promotion, development and regulation of the technical, operational, safety, and aviation security functions under the civil aviation authority.

SEC. 3. *Definition of Terms.* — For purposes of this Act, the terms:

- a. "Aerial work" refers to an aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc.
- b. "Aerodrome" refers to an airport, a defined area on land or water (including any building, installation and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.
- c. "Aeronautics or aviation" refers to the science and art of flight.
- d. "Aeronautical telecommunication" refers to and includes any telegraph or telephone communication signs, signals, writings, images and sounds of any nature, by wire, radio or other systems or processes of signaling, used in the aeronautical service.
- e. "Aeronautical telecommunication station" refers to any station operated to provide telecommunications for aeronautical purposes.
- f. "Air carrier or operator" refers to a person who undertakes, whether directly or indirectly, or by a lease or any other arrangements, to engage in air transportation services or air commerce. The term may likewise refer to either a "Philippine air carrier" or a "foreign air carrier" as indicated by the context.

- g. "Air commerce or commercial air transport operation" refers to and includes scheduled or non-scheduled air transport services for pay or hire, the navigation of aircraft in furtherance of a business, the navigation of aircraft from one place to another for operation in the conduct of a business, or an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.
- h. "Aircraft" refers to any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface. The term "aircraft", when used in this Act or in regulations issued under this Act, shall refer to civil aircraft only, and will not include State or public aircraft.
- i. "Aircraft accident" refers to an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked; in which:
 - 1. Any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft of anything attached thereto; or
 - 2. The aircraft receives substantial damage.
- j. "Aircraft radio station" refers to a radio station on board any aircraft.
- k. "Aircraft engine" refers to any engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers.
- l. "Aircraft incident" refers to the occurrence, other than an accident, which is associated with the operation of an aircraft when the safety of the aircraft has been endangered, or is a situation which could endanger an aircraft and if it occurred again in other circumstances.
- m. "Aircraft piracy" refers to any actual or attempted seizure or exercise of control, by force or violence, or by any other form of intimidation, with wrongful intent, of an aircraft within the jurisdiction of the Philippines.
- n. "Airman" refers to any individual who engages, as the person in command or as pilot, mechanic, aeronautical engineer, flight radio operator or member of the crew, in the navigation of aircraft while under way and any individual who is directly in charge of inspection, maintenance, overhauling, or repair of aircraft, aircraft engine, propellers, or appliances; and individual who serves in the capacity of aircraft dispatcher or air traffic control operator.
- o. "Airman license" refers to a written authorization or permission issued to any person for the exercise of the privileges of flying, maintaining, controlling, directing, dispatching, instructing or any other civil aviation activity which is regulated and supervised by the Authority.
- p. "Air navigation" refers to the practice of controlling, guiding and operating aircraft from airport of departure to predetermined airport of destination, including alternate airports. To ensure safety, regularity and efficiency of civil aviation operations, standardization and common understanding among all parties involved are essential

in all matters affecting the operation of aircraft and the numerous facilities and services required in their support, such as airports, telecommunications, navigation aids, meteorology, air traffic services, search and rescue, aeronautical information services and aeronautical charts, in accordance with the procedures, rules and regulations contained in the appropriate Annexes to the Chicago Convention.

- q. "Air navigation facility" refers to any facility used in, available for use in, or designed for use in aid of air navigation, including airports, landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio directional finding, or for radio or other electromagnetic communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air 01' the landing and take—off of aircraft.
- r. "Air navigation services" refers to and includes information, directions and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft, and the control of movement,(,)f vehicles in any part of an airport used for the movement of aircraft.
- s. "Air operator" refers to any organization which undertakes to engage in domestic commercial air transport or international commercial air transport, whether directly or indirectly, or by a lease or any other arrangement.
- t. "Air Operator Certificate (AOC)" refers to a certificate authorizing an operator to carry out specified commercial air transport operations.
- u. "Air route" refers to the navigable airspace between two points and the terrain beneath such airspace identified, to the extent necessary, for application of flight rules.
- v. "Air route and airway facilities" refers to facilities provided to permit safe navigation of aircraft within the airspace of air routes and airways, including:
 - 1. Visual and non—visual aids along the air routes and airways;
 - 2. Visual and non—visual aids to approach and landing at airports;
 - 3. Communication services;
 - 4. Meteorological observations;
 - 5. Air traffic control services and facilities; and
 - 6. Flight services and facilities.
- w. "Airport" refers to any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically.
- x. "Air transport" refers to the transportation of persons, property, mail or cargo by aircraft.
- y. "Air transport service" refers to the act of transporting persons, property, mail cargo, in whole or in part, by aircraft to points within

or outside of the Philippines.

- z. "Airworthiness" means that an aircraft, its engines, propellers, and other components and accessories, are of proper design and construction, and are safe for air navigation purposes, such design and construction being consistent with accepted engineering practice and in accordance with aerodynamic laws and aircraft science.

- aa "Annexes to the Chicago Convention" refers to the documents issued by the International Civil Aviation Organization (ICAO) containing the standards and recommended practices applicable to civil aviation.
- bb "Appliances" refers to instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not part or parts of aircraft, aircraft engines, or propellers.
- cc "Authority" refers to the Philippine Civil Aviation Authority created pursuant to the provisions of this Act and shall, as indicated by the context, include the Board of Directors and/or Director General created pursuant thereto.
- dd "Aviation certificate" means any airworthiness certificate, airman certificate, air operator certificate, certificate authorizing the operation of an aviation school or approved maintenance organization or other documents issued by virtue of the provisions of this Act in respect of any person, aircraft, airport or aviation-related service.
- ee "Board of Directors" means the board of the civil aviation authority created under this Act.
- ff "Chicago Convention" refers to the international basis for civil aviation agreements.
- gg "Citizen of the Philippines" refers to one of the following:
 - i. An individual who is a citizen of the Philippines;
 - ii. A partnership of which each member is a citizen of the Philippines; or
 - iii. A corporation or association created or organized and authorized under the laws of the Philippines.

- hh "Civil aircraft" refers to any aircraft other than a State or public aircraft.
- ii "Civil aviation" refers to the operation of any civil aircraft for the purpose of general aviation operations, aerial work or commercial air transport operations.
- jj "Crew member" refers to a person assigned to perform duties on an aircraft in flight.
- kk "Dangerous goods" refers to articles or substances that are capable of posing significant risks to health or safety of property when transported by air.
- ll "Director General" refers to the Director General appointed under this Act.
- mm "Domestic air commerce" means and includes air commerce within the limits of the Philippine territory.

- nn "Domestic air transport" means air transportation within the limits of the Philippine territory.
- oo "Foreign air carrier or foreign air operator" means any operator, not being a Philippine air operator, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within borders or airspace of the Philippines, whether on a scheduled or chartered basis.
- pp "Foreign air transport" refers to air transportation between the Philippines and any place outside it or wholly outside the Philippines.
- qq "General aviation operation" refers to an aircraft operation of a civil aircraft for other than a commercial air transport operation or aerial work operation.
- rr "ICAO" Where used in this Act, refers to the abbreviation for the International Civil Aviation Organization.
- ss "International commercial air transport" refers to the carriage by aircraft of persons or property for remuneration or hire or the carriage of mail between any two (2) or more countries.
- tt "Navigable airspace" refers to the airspace above the minimum altitudes of flight prescribed by regulations under this Act and includes airspace needed to insure safety in the take off and landing of aircraft.
- uu "Navigation of aircraft" refers to a function that includes the piloting of aircraft.
- vv "Person" refers to any individual, firm, partnership, corporation, company, association, joint&mdashstock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative of these entities.
- ww "Philippine air carrier" means an air carrier who is a citizen of the Philippines.
- xx "Philippine aircraft" means an aircraft registered in the Philippines in accordance with the requirements of this Act.
- yy "Propeller" refers to an inclusive term for all parts, appurtenances, and accessories of a propeller.
- zz "Public aircraft" refers to an aircraft used exclusively in the service of any government or of any political jurisdiction thereof, including the Government of the Philippines, but not including any government&mdashowned aircraft engaged in operations which meet the definition of commercial air transport operations.
- aaa "Rules of the air" means those provisions for securing the safety of aircraft in flight and in movement on the surface and the safety of persons and property on the surface. These provisions include:
1. Lights and signals to be shown by aircraft;
 2. General, visual and instrument flight rules;
 3. Airport traffic rules; and
 4. Airport signals and markings.
- bbb "Spare parts" refers to any parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellers), aircraft engines (other than propellers), propellers, and appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but