

[Act No. 3909, November 20, 1931]

AN ACT CONCERNING THE LICENSING OF AIRMEN AND AIRCRAFT, AND INSPECTION OF THE SAME, CONCERNING AIR TRAFFIC RULES, CONCERNING SCHEDULES AND RATES OF AVIATION COMPANIES AND CONCERNING THE ENFORCEMENT OF THE LAW.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

CHAPTER I.—*Definition of terms*

SECTION 1. In this Act "air commerce" means transportation in whole or in part by aircraft of persons or property for any purpose whatsoever, or navigation of aircraft in the furtherance of business or pleasure.

"Aircraft" means any contrivance now known or here after invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

"Operating aircraft" means performing the services of aircraft pilot.

"Airman" means any individual, including the person in command, and any pilot, mechanic or member of the crew, who engages in the navigation of the aircraft, while under way, and any individual who is in charge of the inspection, overhauling or repairing of aircraft.

The term "person" means an individual, a partnership or two or more individuals having a joint or common interest, or a corporation.

CHAPTER II.—*Promotion of air commerce*

SEC. 2. It shall be the duty of the Secretary of Commerce and Communications to foster air commerce in accordance with the provisions of this Act, and for such purpose:

- a. To encourage the establishment of air ports, civil airways and other navigation facilities.
- b. To make recommendations to the Secretary of Agriculture and Natural Resources as to necessary establishment of meteorological facilities.
- c. To study the possibilities for the development of air commerce and the aeronautical industry and trade in the Philippine Islands, and to collect and disseminate information relative thereto and also as regards the existing state of the art.
- d. To request the Bureau of Science, the Weather Bureau, and other agencies in the Executive Branch of the Government to assist in carrying on such researches and development work as tend to improve air navigation facilities.

The Secretary of Commerce and Communications is authorized to transfer funds available for carrying out the purposes of this subdivision to any such agency or agencies engaged in such research and development work in cooperation with the Department of Commerce and Communications.

- e. To investigate, record, and make public the causes of accidents in civil air navigation in the Philippine Islands.
- f. To exchange with foreign governments, through existing governmental channels, information pertaining to civil air navigation.

SEC. 3. To aid the Secretary of Commerce and Communications and to assist in the performance of the functions vested in him under this Act, there shall be employed an expert in aeronautics, who shall be appointed by the Governor-General with the consent of the Senate. The said expert shall receive as compensation a per diem to be fixed by the Secretary of Commerce and Communications with the approval of the Governor-General. To qualify for such appointment, this expert must: (a) have successfully passed the examination for aeronautical inspector or higher office under the Aeronautics Branch of the Department of Commerce of the United States; or (b) hold or have held a commission as an officer in the aviation forces of the United States; or (c) be an aeronautical engineer who has successfully passed such examination as shall immediately after the passage of this Act be prescribed by the Bureau of Civil Service of the Philippine Islands.

SEC. 4. Except as otherwise specifically provided, the Secretary of Commerce and Communications shall administer and enforce the provisions of this Act, including air traffic rules promulgated herein or hereafter enacted, and for such purpose is authorized:

1. To make such regulations as are necessary to execute the functions vested in him by this Act.
2. To issue or revoke licenses for pilots, for approved types of aircraft for operation in the Philippine Islands, and for structural modification or repair of such aircraft.
3. To incur such expenditures for personal services, and for books of reference and periodicals as may be necessary for such administration and as may be provided by the Philippine Legislature from time to time.
4. To publish from time to time a bulletin setting forth such matters relating to the functions vested in him by this Act as he deems advisable, including air navigation treaties, laws and regulations and decisions thereunder.
5. To operate and, for this purpose, to acquire, within the limits of the available appropriation hereafter made by the Philippine Legislature such aircraft and air navigation facilities as are necessary for executing the functions vested in the Secretary of Commerce and Communications by this Act.

CHAPTER III.—*Requirements for aircraft and airmen operating in the Philippine Islands*

SEC. 5. *Aircraft—Construction, design, and airworthiness—United States licenses.—*

The public safety requiring, and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that aircraft operating within the Philippine Islands should conform with respect to design, construction, and airworthiness to the standards prescribed by the United States Government with respect to navigation of civil aircraft subject to its jurisdiction, it shall be unlawful for any person to navigate an aircraft within the Philippine Islands unless such an aircraft has an appropriate, effective license issued by the Department of Commerce and Communications: *Provided, however,* That this restriction shall not apply to military or licensed civil aircraft of the United States, or to aircraft licensed by a foreign country with which the United States or the Philippine Islands has a reciprocal agreement covering the operation of such licensed aircraft.

SEC. 6. *Qualifications of operators—Federal license.*—The public safety requiring, and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that a person engaged within the Philippine Islands in navigating aircraft in any form of navigation, shall have the qualifications necessary for obtaining and holding a pilot's license issued by the Department of Commerce and Communications, it shall be unlawful for any person to operate any aircraft in the Philippine Islands unless such person is the holder of an appropriate, effective pilot's license issued by the Department of Commerce and Communications: *Provided, however,* That this restriction shall not apply to licensed pilots of the United States or to foreign pilots operating aircraft of foreign countries with which the United States or the Philippine Islands have a reciprocal or other agreement covering the operation: *And provided, further,* That, upon application approved by the Governor-General, a revocable license may be granted by the Secretary of Commerce and Communications for a period not to exceed one hundred and twenty days to persons not citizens of the United States or the Philippine Islands, or countries having reciprocal or other agreement covering operation. By the action of the same authorities, such temporary license may be renewed from time to time for a like period.

SEC. 7. *Possession and display of license.*—The pilot's license herein required shall be kept in the personal possession of the licensee when he is operating aircraft within the Philippine Islands, and must be presented for inspection upon the demand of any passenger, any peace officer of the Philippine Islands, or any official, manager, or person in charge of any airport or landing field in the Philippine Islands upon which he shall land.

CHAPTER IV.—*Air traffic rules*

SEC. 8. All aircraft whether licensed or unlicensed must display license or identification mark issued by the Department of Commerce and Communications. This applies to all flights whether for hire or pleasure, test purposes, experimental purposes and whether the aircraft is licensed or unlicensed.

SEC. 9. *Flying rules.*—The following rules pertaining to air traffic shall be conformed to at all times by aircraft operating in the Philippine Islands:

- a. *Right-side traffic.*—Aircraft flying in established civil airways, when it is safe and practicable, shall keep to the right side of each airway.

b. *Giving-way order.*—Aircraft shall give way to each other in the following order

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1. Airplanes.
2. Airships.
3. Balloons, fixed or free.

An airship not under control is classed as a free balloon. Aircraft required to give way shall keep a safe distance, having regard to the circumstances of the case. Three hundred feet will be considered a minimum safe distance.

c. *Giving-way duties.*—If the circumstances permit, the craft which is required to give way shall avoid crossing ahead of the other. The other craft may maintain its course and speed, but no engine-driven craft may pursue its course if it would come within three hundred feet of another craft, three hundred feet being the minimum distance within which aircraft other than military aircraft of the United States engaged in military maneuvers and commercial aircraft engaged in local industrial operations may come within proximity of each other in flight.

d. *Crossing.*—When two engine-driven aircraft are on crossing courses the aircraft which has the other on its right shall keep out of the way.

e. *Approaching.*—When two engine-driven aircraft are approaching head-on, or approximately so, and there is risk of collision, each shall alter its course to the right, so that each may pass on the left side of the other. This rule does not apply to cases where aircraft will, if each keeps on its respective course, pass more than three hundred feet from each other.

f. *Overtaking.*— (1) Definition. An overtaking aircraft is one approaching another directly from behind or within seventy degrees of that position, and no subsequent alteration of the bearing between the two shall make the overtaking aircraft a crossing aircraft within the meaning of these rules or relieve it of the duty of keeping clear of the overtaken craft until it is finally past and clear. (2) Presumption. In case of doubt as to whether it is forward or abaft such position, it should assume that it is an overtaking aircraft and keep out of the way. (3) Altering course. The overtaking aircraft shall keep out of the way of the overtaken aircraft by altering its own course to the right and not in the vertical plane.

g. *Height over congested and other areas.*—Exclusive of taking off from or landing on an established landing field, airport, or on property designated for that purpose by the owner, and except as otherwise permitted by section seven, aircraft shall not be flown:

1. Over the congested parts of cities, towns, or settlements, except at a height sufficient to permit of a reasonably safe emergency landing, which in no case shall be less than one thousand feet.