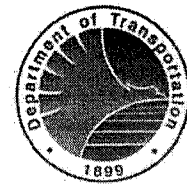




Republic of the Philippines
Department of Transportation
CIVIL AERONAUTICS BOARD



IN RE: GUIDELINES REQUIRING DOMESTIC AIRLINES TO APPLY SENIOR CITIZENS DISCOUNT AND PERSONS WITH DISABILITIES DISCOUNT ON AIR TRANSPORTATION TICKETS PURCHASED ONLINE

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RESOLUTION NO. 41 (BM04A-07-13-2017)

**I.
GENERAL PROVISIONS**

WHEREAS, on 12 May 2005, the Civil Aeronautics Board adopted Resolution No. 24 approving a set of guidelines on the grant of 20% discount on air fares for senior citizens in accordance with the mandate of Republic Act No. 9257, entitled An Act Granting Additional Benefits and Privileges to Senior Citizens Amending for the Purpose Republic Act No. 7432, otherwise known as "An Act to Maximize the Contribution of Senior Citizens to Nation Building, Grant Benefits and Special Privileges and for other purposes";

WHEREAS, Section 10, paragraph 6 of said IRR, called upon the Civil Aeronautics Board to issue the corresponding circulars, guidelines or directives to ensure compliance of air carriers with the mandate of RA 9257 relative to air transport services;

WHEREAS, Republic Act No. 9994, otherwise known as the Expanded Senior Citizens Act of 2010, or more appropriately entitled "An Act Granting Additional Benefits and Privileges to Senior Citizens, further amending Republic Act No. 7432, As amended by Republic Act No. 9257, provides that:

"SEC. 4. Privileges for the Senior Citizens. – The senior citizens shall be entitled to the following:

"(a) the grant of twenty percent (20%) discount and exemption from the value-added tax (VAT), if applicable, on the sale of the following goods and services from all establishments, for the exclusive use and enjoyment or availment of the senior citizen

xxx

"(6) in actual transportation fare for domestic air transport services and sea shipping vessels and the like, based on the actual fare and advanced booking; xxx"

WHEREAS, Republic Act No. 9442, which further amended Republic Act No. 7277, otherwise known as the Magna Carta for Disabled Persons, and for other purposes, provides that:

"SECTION 1. a new chapter, to be denominated as "Chapter 8. Other privileges and Incentives" is hereby added to Title Two of Republic Act No. 7277, otherwise known

as the "Magna Carta for Disabled Persons", with new Sections 32 and 33, to read as follows:

"CHAPTER 8. Other Privileges and Incentives

"SEC. 32. Persons with disability shall be entitled to the following:

(f) At least twenty percent (20%) discount on fare for domestic air and sea travel for the exclusive use or enjoyment of persons with disability;"

WHEREAS, Republic Act No. 10754, An Act Expanding the Benefits and Privileges of Persons with Disability, likewise provides that:

SECTION 1. Section 32 of Republic Act No. 7277, as amended, otherwise known as the "Magna Carta for Persons with Disability", is hereby further amended to read as follows:

"SEC. 32. Persons with disability shall be entitled to:

"(a) At least twenty percent (20%) discount and exemption from the value-added tax (VAT), if applicable, on the following sale of goods and services for the exclusive use and enjoyment or availment of the PWD:

xxx

(6) On fare for domestic air and sea travel; xxx"

WHEREAS, Section 6.5.2 of the Implementing Rules and Regulations of RA 9442 called upon the Civil Aeronautics Board to issue corresponding guidelines, circulars or directives related to air transport services;

WHEREAS, consistent with the objective of RA 9994 to adopt measures whereby senior citizens are assisted and to establish mechanisms whereby the contributions of the senior citizens are maximized, the following set of guidelines are adopted in furtherance of the implementation of the 20% discount on fares for domestic air travel;

WHEREAS, the global trend in connected travelling, especially the impact of mobile internet in the aviation industry, resulted to a more convenient and personal consumer behaviour, thus there is a need to bridge the gap between the application of the privilege available to senior citizens and persons with disability in face-to-face transaction and online transaction;

NOW, THEREFORE, the Board **RESOLVED**, as it hereby **RESOLVES**, to approve and adopt the following Guidelines in the implementation of the grant of at least twenty percent (20%) discount based on the actual fare and advanced booking, in accordance with the aforementioned laws, for domestic air travel in online transactions:

II.

DEFINITION OF TERMS

For purposes of application and construction of these Guidelines, the following terms shall have the meanings and definitions specified hereunder.

2.1 Air Transport Services – any transportation services by air under the regulatory function of the Civil Aeronautics Board;

2.2 Domestic Air Travel – air transportation services provided by domestic air carriers within the Philippines;

2.3 Fare – payment in consideration for the carriage of a passenger. “Regular Fare” is any fare that is offered on a regular basis and does not qualify as promotional fare. “Promotional Fare”, which is generally lower than a regular fare, is applied for before, and approved as such by the Civil Aeronautics Board.

2.4 Persons with disability or PWD – include those who have long-term physical, mental, intellectual or sensory impairments, which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others, recognized as such by, and registered with, the National Council on Disability Affairs of the local government unit where they reside;

2.5 Senior Citizen or elderly – shall mean any resident citizen of the Philippines at least sixty (60) years old;

2.6 Any other terms not specifically defined but used herein and which are defined in Republic Act Nos. 776, 7432, 9257, 7277, and 9442 or their IRR shall be interpreted in accordance with such definitions.

III. APPLICABILITY

These Guidelines shall be applicable in all domestic flights booked via the airline’s website or mobile application, through the use of internet or by any other means of purchase, by Senior Citizens and Persons with Disability, or their authorized representative, for the exclusive use of such Senior Citizen or Person with Disability.

These Guidelines shall not be applicable to tickets claimed by virtue of sales promotions or techniques which contain promises of gain, such as prizes, as reward for the purchase of a product, or winning in a contest, game, and other similar competitions which involve determination of winner/s.

IV. PROCEDURE

In availing the discount privileges on tickets for carriage by air purchased directly through the airline’s website or mobile application, the following procedure shall apply:

4.1 The Senior Citizen or his/her authorized representative may book a ticket for domestic air travel through the web or mobile application, and input the guest details of the Senior Citizen including the date of birth of the Senior Citizen or ID number indicated in the identification card issued by the Office of the Senior Citizens Affairs in the place of residence of the Senior Citizen;

4.2 The PWD or his/her authorized representative may book a ticket for domestic air travel through the web or mobile application and input the guest details of the PWD

including the ID number indicated in the identification card or "PWD Card" issued by the city or municipal mayor or the barangay captain of the place where the PWD resides;

4.3 In order to avail of the discount, Senior Citizens and PWDs shall book individually. He/she shall not book together with a group.

4.4 If the passenger is identified as both a Senior Citizen and PWD, the discount privilege may only be availed of in the alternative;

4.5 Domestic airlines must establish in their websites the necessary system to receive these details from the Senior Citizen or PWD. If the required details are inputted, the domestic airline shall apply the 20% discount based on the actual fare, including promotional fares, but shall not be applied to the payment of lawful taxes and other fees and charges imposed in relation to domestic air travel. There shall be no double discounts. Nonetheless, a breakdown and summary of the amount to be paid must be known to the Senior Citizen or PWD before the completion of the transaction or payment. An electronic boarding pass may or may not be issued to the Senior Citizen or PWD, at the option of the airline. However, the document reflecting the seat reservation or booking must indicate that the passenger was granted the 20% discount for proper verification at the check-in counter;

4.6 In accordance with the usual airline procedures, the Senior Citizen or PWD who is holding a confirmed ticket shall be processed at the check-in counter within the check-in deadline. It is the responsibility of the passenger who is a Senior Citizen or PWD to provide the airline ample time to process the verification procedure stated below. The domestic airline may also check-in only one companion assisting the Senior Citizen or PWD at the check-in counter. The right of the Senior Citizen and PWD to be processed shall be in accordance with the guidelines set forth in the Air Passenger Bill of Rights;

4.7 For purposes of check-in at the check-in counter, the passenger who is a Senior Citizen shall present himself before the check-in counter for verification and shall present the Senior Citizen's Identification Card issued by the Office of Senior Citizens Affairs (OSCA) in the city or municipality where the elderly resides, and any one of the following:

4.7.a. The Philippine passport of the senior citizen concerned; or

4.7.b. any government-issued identification documents indicating the elderly's birthdate or age, such as but not limited to, driver's license, voters ID, SSS/GSIS ID, PRC card, postal ID;

4.8 For purposes of check-in at the check-in counter, the passenger who is a PWD shall present himself before the check-in counter for verification and shall present the identification card or "PWD Card" issued by the city or municipal mayor or the barangay captain of the place where the person with disability resides, and any one of the following:

4.8.a. The Philippine passport of the PWD concerned; or

4.8.b. Any government-issued identification cards recognized in the usual course of business (e.g. SSS, GSIS ID, PRC card, postal ID, driver's license, Office ID, and the like.)

4.9 A senior citizen or PWD holding a confirmed ticket and has presented the required identification at the check-in counter shall be issued a boarding pass or its equivalent and be given the right to board the aircraft for the purpose of the flight, in accordance with the provisions of the Air Passenger Bill of Rights. Notwithstanding the aforementioned, the airline should not refuse to transport a PWD except for passenger and aircraft safety requirements. However, a senior citizen or PWD who is in possession of a confirmed ticket but has not presented the required identification may, at the option of the airline, be required to pay the balance of the air fare at the check-in counter or designated payment centers or ticket sales office of the domestic airline. In addition thereto, a passenger who is not a senior citizen or PWD but who has availed of the discount privilege at the time of purchase of the ticket online may be given the option to pay the fare difference and a fine in accordance with the airlines' respective terms and conditions of carriage, which in no case shall exceed Php 1,500.00, or risk the forfeiture of his/her ticket.

**IV.
VIOLATION & PENALTIES**

Any violation of these Guidelines shall be penalized in accordance with the pertinent provisions of R.A. 776.

**V.
RESERVATION CLAUSE**

The Board reserves the right to amend, repeal, or modify these Guidelines in order to fully serve the objectives of R.A. 9994 and R.A. 9442 and their Implementing Rules and Regulations.

**VI.
SEPARABILITY CLAUSE**

If any section(s) or any part of these Guidelines is declared unconstitutional by a competent authority, the remaining sections or parts thereof shall not be affected thereby.

**VII.
PERIOD OF IMPLEMENTATION**

Airlines are hereby directed to develop and adopt a system to apply the Senior Citizens and Persons with Disability Discount to online transactions and to fully implement the same within a period of two (2) months from the date of effectivity.

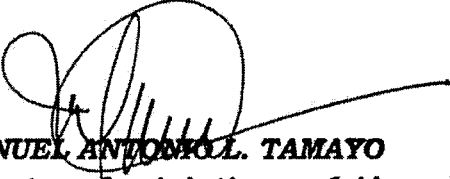
**VIII.
EFFECTIVITY**

These Guidelines shall take effect immediately upon its publication once in a newspaper of general circulation. A copy of these Guidelines shall be deposited with the University of the Philippines Law Center in compliance with the Revised Administrative Code of 1987.

Adopted 13 July 2017.
Pasay City, Philippines

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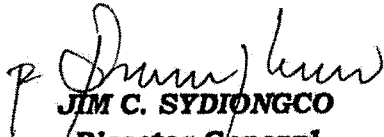
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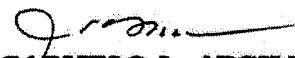


ARNEL INOCENCIO D. CANTOS
Member

Attested by:


JEAN MARIONNE A. BERMUDEZ
Acting Board Secretary

Noted:


CARMELO L. ARCILLA
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