

## **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 CONCER...**

*Act No. 3909, November 20, 1931*

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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:

- To encourage the establishment of air ports, civil airways and other navigation facilities.
- To make recommendations to the Secretary of Agriculture and Natural Resources as to necessary establishment of meteorological facilities.
- 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.
- 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.

- To investigate, record, and make public the causes of accidents in civil air navigation in the Philippine Islands.
- 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:

- To make such regulations as are necessary to execute the functions vested in him by this Act.
- 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.
- 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.
- 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.
- 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:

- Right-side traffic.—Aircraft flying in established civil airways, when it is safe and practicable, shall keep to the right side of each airway.
- Giving-way order.—Aircraft shall give way to each other in the following order—
  - Airplanes.
  - Airships.
  - 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.

- 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.

- 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.

- 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.

- 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.

- 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:

- 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.

- Elsewhere at a height less than five hundred feet, except where indispensable to an industrial flying operation.

- Over certified high explosive danger areas except at a height sufficient to permit a reasonably safe emergency landing outside of the certified danger area, which in no case shall be less than one thousand feet.

- Height over assembly of persons.—No flight under one thousand feet in height shall be made over any open-air assembly of persons except with the consent of the Secretary of Commerce and Communications. Such consent will be granted only for limited operations.

- Acrobatic flying.—(1) Acrobatic flying means intentional maneuvers not necessary to air navigation.

(2) No person shall acrobatically fly an aircraft—

- Over a congested area of any city, town or settlement.

- Over any open-air assembly of persons or below two hundred feet in height over any established civil airway, or within one thousand feet horizontally thereof.

- Any acrobatic maneuvers performed over any other place shall be concluded at a height greater than one thousand five hundred feet.

- No person shall acrobatically fly any airplane carrying passengers for hire.

- When performing acrobatic not prohibited by these regulations each person in the aircraft must be properly equipped with a parachute of a type and design which has been tested and approved by a competent agency of the United States Government or of the Government of the Philippine Islands.

- Dropping objects or things.—When an aircraft is in flight the pilot shall not drop or release, or permit any person to drop or release, any object or thing except by permission of the Secretary of Commerce and Communications or when necessary to the personal safety of the pilot, passengers, or crew.

- Seaplane on water.—Seaplanes on the water shall maneuver according to the laws and regulations of the United States governing the navigation of water craft, except as otherwise provided herein.

- Transporting explosives.—The transporting of explosives other than that necessary for signaling or for fuel for such aircraft while in flight or materials for industrial and agricultural spraying (dusting) is prohibited, except upon special authority obtained from the Secretary of Commerce and Communications.

- No person shall navigate aircraft while under the influence of, using, or having personal possession of intoxicating liquor, cocaine, or other habit-forming drugs.

- The towing of aircraft by another aircraft is prohibited except by special permission of the Secretary of Commerce and Communications.
- Parachute jumpers making exhibition, test, training, or demonstration jumps are required to wear an auxiliary parachute so arranged that it can be operated should the first parachute fail to function or become fouled.
- The regulations heretofore issued prohibiting the flights, except under certain conditions, over the Islands of Corregidor and other fortified areas will remain in full force notwithstanding these regulations.

SEC. 10. Take-off and landing rules:

- Method.—Take-offs and landings shall be made upwind when practicable. The take-off shall not be commenced until there is no risk of collision with landing aircraft. Aircraft when taking off or landing shall observe the traffic lanes indicated by the field rules or signals. No take-off or landing shall be made from or on a public street or highway without the prior consent of the local governing authority and the approval of the Secretary of Commerce and Communications.
- Course.—If practicable, when within one thousand feet horizontally of the leeward side of the landing field the airplane shall maintain a direct course toward the landing zone.
- Right over ground planes.—A landing plane has the right of way over planes moving on the ground or taking off, but this shall not excuse the pilots of either or both such aircraft from the exercise of due care and diligence.
- Giving way.—When landing and maneuvering in preparation to land, the airplane at the greater height shall be responsible for avoiding the airplane at the lower height and shall, as regards landing, observe the rules governing overtaking aircraft.
- Distress landing.—An aircraft in distress shall be given free way in attempting to land.

SEC. 11. Lights:

- Angular limits.—The angular limits laid down in these rules will be determined as when the aircraft is in normal flying position.
- Airplane lights.—Between sunset and sunrise airplanes in flight must show the following lights—
  - On the right side, a green light so constructed and fixed as to show an unbroken light between two vertical planes whose dihedral angle is one hundred and ten degrees when measured to the right from dead ahead, and visible at a distance of at least two miles.
  - On the left side, a red light so constructed and fixed as to show an unbroken light between two vertical planes whose dihedral angle is one hundred and ten degrees when measured to the left from dead ahead, and visible at a distance of at least two miles.
  - At the rear and as far aft as possible, a white light shining rearward, visible in a dihedral angle of one hundred and forty degrees bisected by a vertical plane through the line of flight and visible at least three miles.
- Licensed aircraft, when engaged in carrying passengers for hire any time between sunset and sunrise, shall be equipped with electric landing lights and parachute type of flares, or approved equivalent, in addition to the navigation lights required.
- Airship lights.—Between sunset and sunrise airships shall carry and display the same lights that are prescribed for airplanes, excepting the side lights which shall be doubled horizontally in a fore-and-aft position and the rear light shall be doubled vertically. Lights in a pair shall be at least seven feet apart.

- Balloon lights.—A free balloon, between sunset and sunrise, shall display one white light not less than twenty feet below the car, visible for at least two miles. A fixed balloon, or airship, shall carry three lights—red, white, and green—in a vertical line, one over the other, visible at least two miles. The top red light shall be not less than twenty feet below the car, and the lights shall be not less than seven nor more than ten feet apart.

- Lights when stationary.—(1) Between sunset and sunrise all aircraft which are on the surface of the water and not under control, or which are moored or anchored in navigation lanes, shall show a white light visible for at least two miles in all directions.

(2) Balloon and airship mooring cables between sunset and sunrise shall show groups of three red lights at intervals of at least every ten feet, measured from the basket, the first light in the first group to be approximately twenty feet from the lower red balloon light. The object to which the balloon is moored on the ground shall have a similar group of lights to mark its position.

SEC. 12. Day marks of masts, etc.—By day, balloon and airship mooring cables shall be marked with conical streamers not less than twenty inches in diameter and seven feet long colored with solid color of chrome yellow. The object to which the balloon or airship is moored on the ground shall have the same kind of streamers, which must be in the same position as the lights specified herein.

SEC. 13. Signals:

- Distress.—The following signals, separately or together, shall where practicable, be used in case of distress:

- The international signal, S.O.S. by radio.

- The international code flag signal of distress, RC.

- A square flag having either above or below it a ball or anything resembling a ball.

- Signal when compelled to land.—When an aircraft is forced to land at night at a lighted airport it shall signal its forced landing by making a series of short flashes with its navigation lights if practicable to do so.

- Fog signals.—In fog, mist, or heavy weather, an aircraft on the water in navigation lanes, when its engines are not running, shall signal its presence by a sound device emitting a signal for about five seconds in two-minute intervals.

SEC. 14. Deviation from air traffic rules.—The air traffic rules may be deviated from when special circumstances, render a departure necessary to avoid immediate danger or when such departure is required because of stress of weather conditions, or other unavoidable causes: Provided, however, That aircraft carrying passengers for hire shall not deviate from the air traffic rules pertaining to minimum altitudes of flight because of stress of weather conditions.

CHAPTER V.—Schedule and rates—Enforcement and penalties

SEC. 15. Person or persons engaged in air commerce shall submit for approval to the Public Service Commission or its authorized representative uniform charges and rates applied to merchandise and passengers per kilometer or over specified distance between given airports.

SEC. 16. Except when otherwise specified, the Secretary of Commerce and Communications shall administer the provisions of this Act and, for such purposes, is authorized to make such regulations as may be necessary to execute the functions vested in him by this Act including air traffic rules, which regulations shall conform to and coincide with, as far as possible, the provisions of the Air Commerce Act of nineteen hundred and twenty-six and amendments thereto passed by the Congress of the United States and air commerce regulations and air traffic

rules issued from time to time pursuant thereto. The Public Service Commission shall administer the next section preceding and for such purpose is authorized to make such regulations as may be necessary to insure safety, regularity and reliability of air commerce.

SEC. 17. Penalty for violation.—Any person who acts as an airman for any aircraft when flown and operated in the Philippine Islands without holding an effective license issued by the Department of Commerce and Communications in accordance with the provisions of this Act or who flies or causes to be flown in the Philippine Islands any aircraft without an effective license or identification issued by the Department of Commerce and Communications in accordance with the provisions of this Act or who violates any provisions of this Act or any rules or regulations promulgated hereunder shall be punished by a fine of not more than five hundred pesos or six months' imprisonment, or both.

#### CHAPTER VI.—Appropriations

SEC. 18. To effectively parry out the purposes of this Act, there is hereby appropriated the sum of thirty thousand pesos, out of the funds in the Insular Treasury not otherwise appropriated: Provided, That in subsequent years, the said sum shall be included in the General Appropriation Act.

SEC. 19. This Act shall take effect upon its approval, except that no penalty shall be enforced for any violation thereof occurring till December fifteen, nineteen hundred and thirty-one.

Approved, November 20, 1931.

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