SECURITY MEASURES FOR MISHANDLED BAGGAGE

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Pursuant to Executive Order 277 as amended by Executive Order 311 designating the Office for Transportation Security (OTS) as the single authority in transportation security, mandated to ensure the implementation of Annex 17 to the Convention on International Civil Aviation and the National Civil Aviation Security Program (NCASP), a Transportation Security Regulation (TSR) providing for the Measures for Mishandled Baggage, is hereto established and sustained.

Rule I
Title, Basis and Definition of Terms

Section 1. Title – This shall be known as the Measures for the Mishandled Baggage.

Section 2. Basis – To implement Section 9.6 of the National Civil Aviation Security Program (NCASP) and in compliance with Annex 17 of the ICAO, the Security Measures for the Mishandled Baggage is hereby established to prevent weapons, explosives, or any other dangerous devices, articles, or substances from introduction into the aircraft.

Section 3. Definition of Terms

3.1 Baggage Handling System – the critical chains in the transfer of baggage from one place to another prior loading into the aircraft. This includes Computer programs designed to ensure placement of the color-coded tags on baggage for appropriate routing and retrieval of the rightful owners using the number claim stubs.

3.2 Cabin Baggage/Luggage – Baggage intended for carriage in the cabin of an aircraft.

3.3 Carts – Any baggage container used in transporting hold baggage to and from aircraft.

3.4 Explosives – Any item that can be triggered to explode.

3.5 Explosive Ordnance Disposal (EOD) Team – specialized unit of the PNP/AFP responsible for the disposal of explosive.

3.6 Hold Baggage – Any item other than aircraft or airlines stores or cargo which is received into the custody of aircraft operator for carriage in the hold of a relevant passenger aircraft.

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3.7 Explosive Detection Dog (EDD) – a K-9 team accredited by OTS used in detecting explosives.

3.8 Mishandled Baggage – Baggage involuntarily or inadvertently separated from passengers or crew.<

3.9 Storage Area – Areas established at international and national airports where mishandled baggage may be held until forwarded, claimed, or disposed of in accordance with this regulation.

3.10 Weapons – Any item designed to kill, injure, immobilize or incapacitate.

Rule II
Mishandled Baggage

Section 4. Procedures – Aircraft operators shall ensure that the passenger's hold baggage is not transported unless the passenger is on board the aircraft or that baggage has been subjected to other security control measures subsequent to a determination that the passenger is not on board.

4.1 Security measures to be observed in all airports to prevent Mishandled Baggage:

4.1.1 Aircraft operators engaged in international and domestic operations shall ensure that hold baggage are accepted only from ticketed passengers and only by responsible agents or authorized representatives of the aircraft operator.

4.1.2 A baggage once accepted by concerned Aircraft Operator shall be protected from unauthorized access until the time the baggage is returned to the passenger at the destination or transferred to another operator.

4.1.3 Access to baggage make-up areas and baggage transfer points shall be restricted to authorized personnel only.

4.1.4 Any Security personnel of concerned aircraft operator, airport authorities/ managers and PNP-AVSEGroup may challenge unauthorized persons and deny access.

4.1.5 Baggage handler/loader of concerned aircraft operator transporting baggage to and from the aircraft shall be cautious in preventing unauthorized baggage from being placed on conveyor belts, carts or vehicles, and ensuring that loaded baggage carts are not left unattended in areas accessible to the public.

4.2 Guidelines in case of Mishandled Baggage:

4.2.1 Storage area for mishandled baggage shall be established in all airport terminals.

4.2.2 Concerned aircraft operators shall be responsible for any erasures, tampering, altering or damaging on identifying marks and tags of hold baggage.

4.2.3 All airports authorities/management shall designate appropriate storage area and establish a filing system to expedite claim by its rightful owners.

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4.2.4 Concerned aircraft operators shall be duly notified and informed by their respective handler/loader or security personnel of any incident of mishandled baggage for appropriate action or possible passenger and baggage reconciliation.

4.2.5 All mishandled baggage shall be subjected to security screening prior storage. Explosive Detection System (EDS) and/or OTS Accredited K-9 Explosive Detection Dog (EDD) shall be used for suspicious baggage. In case of discovery of explosive, such shall be reported to concerned aircraft operator and Explosive Ordnance Disposal (EOD) team for appropriate action.

4.2.6 A bomb dispersal area shall be established in each airport, the location and construction of which shall be determined by the airport authority/management utilizing the OTS approved design.

Section 5. Sanction

5.1 Failure to observe the required security measures herein provided for the Aircraft Operator shall be a ground for civil liability for any damage and injury to third person.

5.2 Airport General Manager/Manager who failed to provide the required Storage Area and security measures for mishandled baggage may be held civilly or administratively liable for any damage and injury cause to third person subject to the existing laws.

Rule III
Miscellaneous Provisions

Section 6. Construction – These rules shall be liberally construed in order to promote its civil aviation security objectives.

Section 7. Reservation – Nothing herein shall be construed as precluding OTS through the Administrator from enforcing the rules enunciated herein and in prescribing other requirements to meet the constantly evolving challenges in civil aviation security.

Section 8. Repeal – All orders, rules, regulations and issuances, or parts thereof, which are inconsistent with this Transportation Security Regulation are hereby repealed or modified accordingly.

Section 9. Separability – If any provision or section of these rules is declared null and void by competent authority the other stays and not affected and shall remain in full force and effect.

Section 10. Effectivity – This Transportation Security Regulation shall take effect immediately after fifteen (15) days from publication in a newspaper of general circulation.

Date Filed: 17 February 2011

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Approved:

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