

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 2731



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

The transportation sector plays a vital role in the continued growth of the Philippine economy. The transport industry provides Filipinos the necessary access to work and services that fuel the continued growth of our economy. With 7,107 islands, and three major island groups, various modes of transportation, specifically Land, Air, Water, and Rail, play their roles in the movement of passengers in the country. These modes have their respective markets and geographic coverage.

The rapid urbanization of the Philippines provided for the increased used in the different transport modes in the country. An estimated 70% of the Filipinos take public transport; this could be as high as 80% in urbanized cities. There are currently over 23,000 buses, 36,000 taxis, and about 217,000 jeepneys present in our roads throughout the country providing public transportation services. The transport sector has contributed significantly in our country's economic growth.

However, there are a number of issues in the transport sector that the government needs to address among which are: the decline in the quality of public transport facilities, increased air pollution, road accidents, and the issue of transportation security.

The Philippines has been a signatory to various international conventions with regard to transportation security, the transportation security administration in Maritime travel under the International Maritime Organization (IMO) and in Civil Aviation under the International Civil Aviation Organization (ICAO). The Office for Transportation Security (OTS) was created by virtue of Executive Order No. 277 in January 30, 2004 by Pres. Gloria Macapagal-Arroyo. On April 26, 2004, the OTS was designated as the single authority responsible for the security of the transportation systems of the country.

Since the terror attack in the US on September 11, 2001, which claimed thousands of lives, governments around the world committed themselves to introduce various security measures to combat terrorism. The Philippines has not been spared from these terror attacks. On August 5, 2011, a suspected car bomb in Cotabato City killed at least eight (8) people and injured over thirty (30). On September 30, 2013, a powerful explosion ripped through a passenger bus and killed three (3) people in Zamboanga City. The Rizal Day bombing of the Light Rail Transit as well as the bombing of the Davao International Airport and the Sasa Warf highlight the need to empower and strengthen transportation security in our country.

This measure seeks to create the Philippine Transportation Safety Board (PTSB), to be attached to the Office of the President, which shall replace the OTS. The PTSA shall formulate, develop, adopt, prescribe and implement transport security standards. It shall also render regulatory and oversight functions on prescribed transportation security standards undertaken by agencies involved in transportation security services.

In view of the foregoing, the immediate passage of this measure is earnestly sought.


HON. GARY C. ALEJANO

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS

First Regular Session

2731

House Bill No. _____

Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

AN ACT

PROVIDING FOR A TRANSPORTATION SECURITY REGULATORY PROGRAM, CRIMINALIZING ACTS OF UNLAWFUL INTERFERENCES IN THE TRANSPORTATION SYSTEM, LEGISLATING FOR THE PURPOSE THE CREATION OF THE PHILIPPINE TRANSPORTATION SAFETY BOARD (PTSB), DEFINING ITS POWERS AND FUNCTIONS AND APPROPRIATING FUNDS THEREFOR

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

1 **SECTION 1. *Short Title.*** - This act shall be known as the “**Philippine Transportation**
2 **Safety Board Act**”.

3
4 **SEC. 2. *Declaration of Policy.*** - It is the policy of the State to prevent accidents and save
5 lives and property in transportation, promote safety in the transportation of people, property and
6 goods by conducting independent accident investigations, by continuous and objective review,
7 appraisal and assessment of operating practices and regulations of government agencies
8 implementing transportation laws, and, by formulating and promulgating safety improvement
9 standards for observance and implementation, by said agencies and concerned private sectors.

10
11 **SEC. 3. *Definition of Terms*** – As used in this Act:

- 12 *a. Accident Reconstruction* refers to a systematic process of evaluating the evidence
13 associated with a particular collision sequence and applying accepted physical principles
14 in order to ascertain how the collision occurred;
- 15 *b. Aviation* refers to the practical aspect or art of aeronautics, being the design,
16 development, production, operation, and use of aircraft, especially heavier-than-air
17 aircraft; the art or science of flying aircraft including the design, production, and
18 maintenance of aircraft;
- 19 *c. Community service organizations* refer to association or groups of persons who render
20 voluntary service for the benefit of the local community, public or its institutions;

1 *d. Hazardous materials* refer to substances or objects which are toxic, poisonous,
2 explosive, corrosive, flammable, eco-toxic and infectious which are being disposed of
3 or are intended to be disposed of or are required to be disposed of by the provisions of
4 national law;

5 *e. Highway and motor vehicle* refers to self-propelled vehicle or a vehicle that is propelled
6 by electric power from overhead trolley wires and does not include an electric bicycle or
7 an electric personal assistive mobility device;

8 *f. Marine Casualty* refers to an event, or a sequence of events, that has resulted in any of the
9 following which has occurred directly in connection with the operations of a ship:

10 1. The death of, or serious injury to, a person;

11 2. The loss of a person from a ship;

12 3. The loss, presumed loss or abandonment of a ship;

13 4. Material damage to a ship;

14 5. The stranding or disabling of a ship, or the involvement of a ship in a collision;

15 6. Material damage to marine infrastructure external to a ship, that could seriously

16 endanger the safety of the ship, another ship or an individual; or

17 7. Severe damage to the environment, or the potential for severe damage to the
18 environment, brought about by the damage of a ship or ships.

19 However, a marine casualty does not include a deliberate act or omission, with the
20 intention to cause harm to the safety of a ship, an individual or the environment.

21 *g. Marine Incident* refers to an event, or sequence of events, other than a marine casualty,
22 which has occurred directly in connection with the operations of a ship that endangered,
23 or, if not corrected, would endanger the safety of the ship, its occupants or any other
24 person or the environment.

25 However, a marine incident does not include a deliberate act or omission, with the
26 intention to cause harm to the safety of a ship, an individual or the environment.

27 *h. Marine Safety Investigation* refers to an investigation or inquiry into a marine casualty or
28 marine incident, conducted with the objective of preventing marine casualties and marine
29 incidents in the future. The investigation includes the collection of, and analysis of,
30 evidence, the identification of causal factors and the making of safety recommendations
31 as necessary;

32 *i. Maritime Safety* refers to the protection of life and property through regulation,
33 management and technology development of all forms of waterborne transportation;

- 1 *j. Operator* refers to a person, organization or enterprise engaged in or offering to engage in
2 transport operation.
- 3 *k. Proximate cause* refers to an act from which an injury results as a natural, direct,
4 uninterrupted consequence and without which the injury would not have occurred.
5 It is the primary cause of an injury, not necessarily the closest cause in time or space nor
6 the first event that sets in motion a sequence of events leading to an injury. It produces
7 particular, foreseeable consequences without the intervention of any independent or
8 unforeseeable cause, also known as legal cause. It is a happening which results in an
9 event, particularly injury due to negligence or an intentional wrongful act;
- 10 *l. Railroad and Tracked Vehicle* refers to a carrier that operates cars, other than streetcars,
11 on stationary rails to transport persons or property;
- 12 *m. Safety Engineering* refers to the study of the causes and the prevention of accidental
13 deaths and injuries which involves the identification and appraisal of accident-producing
14 conditions and practices and the evaluation of the severity of the accident problem;
15 the development of accident and loss-control methods, procedures, and programs;
16 the communication of accident and loss-control information to those directly involved;
17 and the measurement and evaluation of the accident and loss-control systems and the
18 modifications that are required to obtain optimum results;
- 19 *n. Safety Manager* refers to a person responsible for ensuring that safety regulations are
20 adhered to, and for assessing unsafe situations or hazards in a place or at an event, etc.;
- 21 *o. Transportation Accident* refers to any accident that occurs during transportation,
22 specifically, it can refer to an aviation accident and incident, a sailing ship accident,
23 a train wreck, a vehicle collision. It may involved a device designed primarily for, or
24 being used at the time primarily for, conveying persons or goods from one place to
25 another or an unexpected incident with potential for harm occurring through the
26 movement or collision of vessels, vehicles or persons along a land, water, air or space
27 route;
- 28 *p. Transportation Accident Investigation* refers to a formal and official or systematic
29 examination, research, process, a searching inquiry or a detailed or careful examination of
30 ascertaining facts relating to transportation accident for the purpose of accident
31 prevention which includes the gathering and analysis of information, the drawing of
32 conclusions, including the determination of causes of transport accidents and,
33 when appropriate, the making of safety recommendations.
- 34 *q. Transportation Safety* refers to the safety of transport by means of transport vehicles; and
- 35 *r. Transportation System* refers to a system for moving persons or good consisting of three
36 components: the vehicle (equipment) is what moves objects or traffic (people, goods)
37 consists of a container and some type of motive power, either onboard or elsewhere;
38 the guide way is what the vehicle moves along consists of links and nodes that together

1 form a network, a sequence of links is called a route and a terminal is a node where traffic
2 is transferred from one vehicle to another; and the operations plan is the set of procedures
3 by which traffic and vehicles are moved over the guide way, including schedules or
4 timetables, crew assignments, and control systems.

5
6 **SEC. 4. *Creation.*** - There is hereby created a Philippine Transportation Safety Board,
7 an independent agency, hereinafter referred to as the Board, that shall be attached to the Office of
8 the President and shall implement the foregoing policy.

9
10 **SEC. 5. *Objectives.*** - The Board shall have the following objectives:

- 11 1. To prevent future accidents, save lives and eliminate or reduce injuries and property
12 damages;
- 13 2. To ensure that survivors and families of victims of transportation accidents receive
14 timely, immediate and adequate assistance from the operators, other government
15 agencies, and community service organizations;
- 16 3. To ensure implementation of safety standards in the transportation industry;
- 17 4. To conduct thorough transportation accident and incident investigations, determine the
18 proximate causes, and publish accident reports and safety studies that will convince
19 others to act; and
- 20 5. To provide safety information to the public, safety managers, and Board employees to
21 help them make more timely and informed decisions.

22
23 **SEC. 6. *Composition, Qualifications and Term of Office.*** - The Board shall be
24 composed of five (5) full-time members, including a Chairman and a Vice-chairman. All the
25 members of the Board shall have extensive training and experience in the respective fields of
26 marine, air, highway and rail transportation systems, and each must have adequate knowledge in
27 investigation, analysis, and evaluation of transportation accidents, particularly in the field of
28 accident reconstruction, safety engineering, or transportation safety.

29 Members of the Board shall be natural born citizens and residents of the Philippines at
30 the time of their appointment, at least thirty-five (35) years of age, and persons of good moral
31 character, unquestionable integrity, recognized probity and competence.

32 Members of the Board shall be appointed by the President of the Philippines including the
33 designation of the Chairman.

34 No member of the Board shall concurrently hold any other government office or position, or
35 be employed in any government-owned or controlled corporation or entity or any private,
36 business enterprise whose interest may be in conflict with the Board's function and duties.

37 The Chairman and Vice-Chairman of the Board shall each serve for a term of six (6) years.
38 The Chairman shall be the chief executive officer of the Board and shall exercise the executive

1 and administrative functions with respect to the appointment and supervision of personnel
2 employed by the Board; the distribution of business among any administrative units of the
3 Board; and the use and expenditures of funds.

4 In case the Chairman is not able to discharge the functions of his office for reason of death,
5 disability, or removal for cause, the Vice-Chairman shall assume the position of Chairman and
6 shall continue to function as such for the remainder of the original term of appointment of the
7 predecessor, unless or until the President appoints another person to the position.
8 In the latter case, the Vice-Chairman shall re-assume his previous position.

9 Of those first appointed, two (2) members shall hold office for six (6) years, two (2) members
10 for four (4) years, and the last member for two (2) years. Appointment to any vacancy shall be
11 only for the unexpired term of the predecessor.

12 Upon the expiration of his term of office, a member shall continue to serve until a successor
13 shall have been appointed and qualified. In no case shall any Member be appointed or designated
14 in a temporary or acting capacity.

15 Any member of the Board may be removed by the President for inefficiency, neglect of duty,
16 malfeasance in office or any other legal cause.

17 The Board shall establish and maintain distinct and appropriate staffed bureaus, divisions, or
18 offices to investigate and report on accidents involving each of the following modes of
19 transportation: (a) aviation; (b) maritime; (c) highway and motor vehicle; and (d) railroad and
20 tracked vehicles.

21 The Board may establish and maintain any other such office as is needed, including an office
22 to investigate and report on the safe transportation of hazardous materials.

23
24 **SEC. 7. Functions of the Executive Offices.** – For the proper management and effective
25 implementation of the objectives of the Board, an executive office shall perform the following
26 functions:

27 a) Office of the Executive Director. – The Board shall have an Executive Director who shall
28 be appointed by the President of the Philippines upon recommendation of the Board.
29 The Executive Director shall have the following functions:

30 1) Assist the Chairman in the discharge of his functions as executive and
31 administrative head of the Board;

32 2) Coordinate and direct the activities of the staff and is responsible for the day-to-
33 day management of the affairs and activities of the Board;

34 3) Recommend and develop plans to achieve the Board's objectives; and

35 4) Provide secretariat services to the Board.

36 b) Office of Public Affairs. – The Office of the Public Affairs shall supply the general
37 public, including Congress and the national agencies, the transportation industry, and the

- 1 news media with current, accurate information concerning the work, programs and
2 objectives of the Board.
- 3 c) Office of the General Counsel. – The Office of the General Counsel shall have the
4 following functions:
- 5 1) Provide legal advice and assistance to the Board and its staff components;
 - 6 2) Prepare Board rules, opinions and/or orders, and provide advice to all offices and
7 bureaus on matters of legal significance; and
 - 8 3) Represent the Board in court actions to which the Board is a party or to which the
9 Board is interested.
- 10 d) Office of Aviation Safety. – The Office of Aviation Safety shall have the following
11 functions:
- 12 (1) Conduct investigations of all aviation accidents within the Board's jurisdiction;
 - 13 (2) Prepare reports for submission to the Board and release to the public stating the
14 facts and circumstances of such accidents, including a recommendation as to the
15 proximate causes or causes;
 - 16 (3) Determine the proximate cause(s) of accidents when delegated to do so by the
17 Board;
 - 18 (4) Initiate safety recommendations to prevent future aviation accidents; and
 - 19 (5) Conduct special investigations into selected aviation accidents involving safety
20 issues of concern to the Board.
- 21 e) Office of Maritime Safety. – The Office of Maritime Safety shall have the following
22 functions:
- 23 1) Conduct investigations of all maritime accidents within the Board's jurisdiction;
 - 24 2) Prepare reports for submission to the Board and release to the public stating the
25 facts and circumstances of such accidents, including a recommendation as to the
26 proximate causes or causes;
 - 27 3) Determine the proximate cause(s) of accidents when delegated authority to do so
28 by the Board; and
 - 29 4) Initiate safety recommendations to prevent future maritime accidents; and
 - 30 5) Conduct special investigations into selected maritime accidents involving safety
31 issues of concern to the Board.
- 32 f) Office of Surface Transportation Safety. – The Office of Surface Transportation Safety
33 shall have the following functions:
- 34 1) Conduct investigations of highway, railroad, pipeline and hazardous materials
35 accidents within the Board's jurisdiction;
 - 36 2) Prepare reports for submission to the Board and release to the public stating the
37 facts and circumstances of such accidents, including a recommendation as to the
38 proximate cause or causes;

- 3) Determine the proximate cause(s) of accidents when delegated authority to do so by the Board;
 - 4) Initiate safety recommendations to prevent future surface transportation accidents; and
 - 5) Conduct special investigations into selected surface transportation accidents.
- g) Office of Safety Standards. – The Office of Safety Standards shall have the following functions:
- 1) Prescribe safety standards in all transportation systems in accordance with existing laws, rules, regulations and international treaties and conventions;
 - 2) Establish and update the transportation safety standards through continuing research and in-depth studies;
 - 3) Oversee the implementation of the Board's safety recommendations program.
- h) Office of Research and Engineering. – The Office of Research and Engineering shall have the following functions:
- 1) Provide technical advice and services;
 - 2) Conduct research and carry out analytical studies and tests on all aspects of the Board's accident investigation, accident prevention and safety promotion activities;
 - 3) Conduct safety studies on specific safety issues;
 - 4) Perform statistical analyses of transportation accident and incident data;
 - 5) Maintain archival records of the Board's accident investigation and safety promotion activities and support public access to these records; and
 - 6) Support the Board's data processing, computing and information management requirements.
- i) Administration Office. – The Administration Office shall be responsible for the custody and control of all Board records required to be preserved and kept. It shall provide administrative support to the Board in the following areas:
- (1) Budget;
 - (2) Accounting and audit;
 - (3) Personnel, training and payroll;
 - (4) Information management and automatic data processing;
 - (5) Property, space, communications, facilities and transportation management;
 - (6) Printing, publications, mail, procurement, contracting, and accident inquiry services.

SEC. 8. Compensation. - The salary of the Chairman and members of the Board shall be fixed by the Board, and shall be competitive with the transportation industry. The salary, benefits, allowances and other emoluments of the Chairman and Members of the Board shall not be decreased during their tenure.

1 **SEC. 9. *Personnel*** .- Notwithstanding the provisions of the Civil Service laws and other
2 rules and regulations, the Board is authorized to select, appoint, employ, and fix the pay of
3 officers and employees to positions which are policy-determining, primarily confidential, or
4 highly technical pursuant to Article IX, Section 2, paragraph 2 of the 1987 Constitution,
5 including investigators and attorneys, as shall be necessary to carry out its powers and duties.
6

7 **SEC. 10. *Duties of the Board*** .- The primary function of the Board is to promote safety
8 in transportation. It shall have the following duties:

- 9 (a) Investigate or cause to be investigated, in such detail as it shall prescribe, and determine,
10 the facts, conditions, and circumstances and the cause or proximate cause or causes of
11 any:
- 12 1) Aircraft accident within the scope of Section 42, Republic Act No. 9497, otherwise
13 known as the Civil Aviation Authority Act of the Philippines;
 - 14 2) Highway accident, including any railroad grade crossing accident that it selects;
 - 15 3) Railway accident in which there is a fatality, substantial property damage, or which
16 involves a passenger train;
 - 17 4) Pipeline accident in which there is a fatality or substantial property damage;
 - 18 5) Major marine casualties and marine accidents, except those involving only vessels used
19 by the Armed Forces of the Philippines, occurring on the navigable waters or territorial
20 seas of the Philippines, government or government-owned vessels not used for
21 commercial purposes, or involving a vessel of the Philippines, in accordance with the
22 regulations to be prescribed jointly by the Board and the Secretary of Transportation
23 and Communications in which the Coast Guard is operating. Any marine accident
24 involving a public vessel and any other vessel shall be investigated and the facts,
25 conditions, and circumstances, and the cause or proximate cause determined and made
26 available to the public by either the Board or the Secretary of Transportation; and
 - 27 6) Other accident which occurs in connection with transportation of people or property,
28 equipment or hazardous materials which, in the judgment of the Board, is catastrophic,
29 involves problems of a recurring character, or would otherwise carry out the policy of
30 the State as stated in Section 2 of this Act.

31 Nothing herein shall prevent the Board from making further inquiries on accidents
32 already investigated by existing accident-investigating bodies. Furthermore, the Board
33 may require the submission of their records, reports, findings and recommendations of
34 past investigations.

35 The Board shall be the primary government body to conduct accident investigations
36 under its jurisdiction. Other agencies mandated to investigate concurrently such
37 accidents, shall coordinate with the Board in the performance of its functions. In

1 addition, the other agencies shall give full support to the actions and policies dictated
2 by the Board during the conduct of such investigations.

- 3 (b) Prepare a written report on the facts, conditions, and circumstances of each accident
4 investigated pursuant to paragraph (a) of this section and cause such reports to be made
5 available to the public at reasonable cost, and notice of the issuance and availability of
6 such reports to be published in the Official Gazette.
- 7 (c) Submit periodic reports to Congress and government agencies concerned with
8 transportation safety, recommending and advocating meaningful responses to reduce
9 the likelihood of recurrence of transportation accidents similar to those investigated by
10 the Board and proposing corrective steps to make the transportation of persons as safe
11 and free from risk of injury as is possible, including steps to minimize human injuries
12 from transportation activities.
- 13 (d) Recommend transportation safety measures to national agencies and private organizations to
14 reduce the likelihood of recurrences of transportation accidents;
- 15 (e) Initiate and conduct special studies and investigations on matters pertaining to safety in
16 transportation including human injury and its avoidance.
- 17 (f) Assess and reassess techniques and methods of accident investigation, and prepare and
18 publish from time to time recommended procedures for accident investigations such as
19 the Organizational Manual which shall be published within ninety (90) days, and the Accident
20 Investigation Manual within one hundred twenty (120) days, from the creation of the Board.
- 21 (g) Evaluate, assess the effectiveness, and publish the findings of the Board with respect to
22 the transportation safety consciousness and efficacy in preventing accidents of other
23 government agencies, as well as promote transportation safety consciousness in both
24 national and local government;
- 25 (h) Evaluate the adequacy of safeguards and procedures concerning the transportation of
26 hazardous materials and the performance of carriers and other government agencies
27 charged with assuring the safe transportation of such materials;
- 28 (i) Prepare and submit annual reports which shall include specific proposals for corrective
29 legislation to the Department of Transportation and Communications, and to the
30 appropriate committees of the Senate and House of Representatives;
- 31 (j) Establish by regulation, requirements binding on persons reporting accidents subject to
32 the Board's investigatory jurisdiction under this subsection; and
- 33 (k) Gather, analyze and survey, and keep data and statistics on transportation accidents;

34
35 **SEC. 11. Powers of the Board.** – The Board shall have the following powers:

- 36 (a) The Board, or upon authority of the Board, any member thereof, or any officer or
37 employee duly designated by the Chairman, may conduct hearings, sit and act as such
38 times and places, administer such oaths and require by *subpoena testificandum* or

1 *subpoena duces tecum* the attendance and testimony of such witnesses and the production
2 of such evidence as the Board or any member of designated officer may deem necessary.
3 *Subpoenas* shall be issued under the signature of the Chairman, or the Vice-chairman,
4 and may be served by any person designated by the Chairman.

5 (b) Any officer or employee of the Board, upon presenting appropriate credentials and a
6 written notice of inspection authority, is authorized to enter any property wherein a
7 transportation accident has occurred, or wreckage in any such accident is located, and
8 conduct all necessary measures for the proper conduct of investigation. Authorized
9 personnel may inspect, at reasonable times, records, files, processes, controls and facilities
10 relevant to the investigation of such accident. Each inspection shall commence and be
11 completed with reasonable promptness and the results of such inspection made available
12 to the public.

13 (c) In case of contumacy or refusal to obey a subpoena, an order, or an inspection notice of
14 the Board or any officer or duly designated employee thereof, by any person who
15 resides, is found, or transacts business within the jurisdiction of the Philippines, may be
16 cited for contempt.

17 (d) The Board is authorized to enter into such contracts, leases, cooperative agreements, or
18 other transactions as may be necessary in the conduct of the functions and the duties of
19 the Board under this Section, with any person or entity.

20 (e) The Board is authorized to:

21 1) Use, on a reimbursable basis or otherwise, when appropriate, available services,
22 equipment, personnel and facilities of the Department of Transportation and
23 Communication, the Department of National Defense, the Department of Public
24 Works and Highways and other agencies and instrumentalities of the government in
25 the conduct of its investigation;

26 2) Employ recognized experts and consultants on the accidents under investigation
27 who shall be paid by compensation fixed by the Board: *Provided*, That no more
28 than two consultants shall be appointed for each incident being investigated;

29 3) Enter into contracts with public or private non-profit entities for the conduct of
30 studies related to any of its functions;

31 4) Establish such rules and regulations as may be necessary for the effective and
32 efficient exercise of its powers and functions under this Act;

33 5) Furnish Congress, upon request or when necessary, copies of the Board's budget
34 estimates, budget request, supplemental budget estimate, or other budget
35 information, legislative recommendation, prepared testimony for Congressional
36 hearings, or comments on legislation that were submitted to the Office of the
37 President or the Department of Budget and Management. *Provided, however*, That
38 no officer or agency of the Philippine government shall require the Board to submit

1 its budget requests or estimates, legislative recommendations, prepared testimony
2 for congressional hearings, or comments on legislation to any officer or agency of
3 the National Government for approval, comments, or review, prior to submission to
4 Congress of copies of such recommendations, testimony, or comments;

- 5 6) Designate any officer or employee of the Board to conduct an inquiry and to secure
6 data on any matter pertaining to transportation safety, upon publication of notice of
7 such inquiry in the Official Gazette, and may require, by special or general orders,
8 from government agencies and persons engaged in the transportation of people or
9 property in commerce to submit written reports and answers to such inquiries,
10 requests, and questions as are propounded with respect to any matter pertinent to
11 any function of the Board.

12 Such reports and answers shall be submitted to the Board within such reasonable
13 period of time as the Board may determine, and copies thereof shall be made
14 available for inspection by the public.

- 15 6) Delegate any of its powers and functions to the heads of the different offices enumerated
16 in Section 6 hereof, to further facilitate the implementation of the provisions of this Act.

17
18 **SEC. 12. *Recommendations of the Board.*** – The Board shall recommend to the
19 Department of Transportation and Communications, the recall of defective conveyance and to
20 cause the installation of the required part or parts to make it safe, and notify not only the
21 distributor or purchasers but also the public of such defect. Likewise, it shall recommend the
22 grounding of any defective conveyance pending the investigation of the cause or nature of its
23 defect. Wherever the Board submits a recommendation regarding transportation safety to the
24 Secretary of Transportation and Communications, the Secretary shall respond to each such
25 recommendation formally and in writing not later than thirty (30) days after receipt thereof. The
26 response to the Board by the Secretary shall indicate his intention to:

- 27 a) Initiate and implement procedures for adopting such recommendation in full, pursuant to
28 a proposed timetable, a copy of which shall be included;
29 b) Initiate and implement procedures for adopting such recommendation in part, pursuant to
30 a proposed timetable, a copy of which shall be included. Such response shall set forth in
31 detail the reasons for the refusal to proceed as to the remainder of such recommendation;
32 c) Refuse to initiate or conduct procedures for adopting such recommendation,
33 Such response shall set forth in detail the reasons for such refusal.

34
35 **SEC. 13. *Use of Reports in Actions and Damages.*** – No part of any report of the Board
36 relating to any accident or the investigation thereof, shall be admitted as evidence or used in any
37 suit or action for damages growing out of any matter mentioned in such report or reports.

Furthermore, the Board shall have immunity from suits arising from its investigation, pronouncements and findings.

SEC 14. Seal. - The Board shall have a seal which shall be officially recognized.

SEC. 15. Annual Report. - The Board shall report to Congress on the second week of August of each year. Such report shall include, but not be limited to:

- 1) A statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the preceding calendar year;
- 2) A survey and summary, in such detail as the Board deems advisable, of the recommendations made by the Board to reduce the likelihood of recurrence of such accidents together with the observed response to each recommendation;
- 3) An appraisal in detail of the accident investigation and accident prevention activities of other government agencies charged by law with responsibility in this field; and
- 4) A biennial appraisal and evaluation and review, and recommendations for legislative and administrative action with respect to transportation safety.

SEC. 16. Appropriations. - The Board shall have an initial appropriation in the amount of Thirty Million Pesos (P 30,000,000.00) to finance its operation for the first year to be appropriated out of the funds of the National Treasury not otherwise appropriated, and thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

SEC 17. Repealing Clause.- All laws, rules and regulations and other issuances inconsistent with the provisions of this Act, including relevant provisions of Executive Order Nos. 277- "*Approving and adopting the National Civil Aviation Security Programme, creating the Office for Transportation Security in the Department of Transportation and Communications, and reconstituting the National Council for Civil Aviation Security as the National Civil Aviation Security Committee*" and 311 - "*Designating the Office for Transport Security as the singular authority responsible for the security of the transportation systems of the country, expanding its powers and functions as an attached agency under Department of Transportation and Communications*", Section 19(7), Chapter 5, Title XV, Book IV of Executive Order No. 292, otherwise known as the Administrative Code of 1987, Rule 3(j) of the Implementing Rules and Regulations of the Republic Act No.9993, otherwise known as the Philippines Coast Guard Law of 2009 and Section 42 of Republic Act No. 9497 are deemed modified, revoked or repealed accordingly.

1 **SEC. 18. *Separability Clause.*** - If any section or provision of this Act shall be declared
2 unconstitutional or invalid, the other sections or provisions not affected thereby shall continue to
3 be in full force and effect.

4
5 **SEC. 19. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in
6 the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,