

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 342

INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

AN ACT
ESTABLISHING THE NATIONAL TRANSPORTATION SAFETY BOARD
AND APPROPRIATING FUNDS THEREFOR

1 *Be it enacted by the Senate and House of Representatives in Congress of the Philippines*
2 *Assembled:*

3 **CHAPTER I**
4 **GENERAL PROVISIONS**

5 SECTION 1. *Short Title.* - This Act shall be known as the ⁴⁴*National Transportation*
6 *Safety Board Act.*"

7 SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to
8 maintain a safe, viable, efficient and dependable transportation system as it plays an
9 important role in nation-building and in promoting economic growth.
10 Consistent with this policy, the State recognizes the importance of
11 preventing transportation accidents, thereby saving lives and property, by

1 promoting transportation safety. Towards this end, there is a need to
2 establish a government agency tasked with promoting transportation safety
3 and efficiency in the transportation of people, property and goods and
4 conducting investigations to determine the probable causes of transportation
5 accidents.

6 **CHAPTER II** 7 **CREATION AND ORGANIZATION** 8

9 *SEC. 3. National Transportation Safety Board. - There is hereby*
10 created the National Transportation Safety Board (NTSB) which shall be
11 attached to the Office of the President.

12 The NTSB shall have the following objectives:

- 13 a) To prevent future transportation accidents, save lives and
14 reduce injuries and damage to property;
- 15 b) To ensure implementation of safety procedures that have been
16 identified by the government agencies responsible for transportation safety;
- 17 c) To conduct objective, precise accident investigations, and safety studies;
- 18 d) To assist the victims of transportation accidents and their
19 families and ensure that they receive timely and commensurate assistance
20 from the transport operators, other government agencies, and
21 community service organizations; and
- 22 e) Advocate and promote safety recommendations and related information to

1 the public, safety managers, and to the transportation sector.

2
3 SEC. 4. *Board Members; Qualifications.* - (a) The NTSB shall be composed
4 of a Chairperson and four (4) full time members.

5 (b) A member of the NTSB must be:

6 (1) A natural-born citizen and resident of the Philippines;

7 (2) At least thirty-five (35) years of age;

8 (3) A person of good moral character, unquestionable integrity,
9 recognized probity, and competence.

10 (c) The NTSB must be composed of experts in the following fields:

11 (1) One (1) member must have extensive training and experience of at
12 least ten (10) years in air transportation;

13 (2) Two (2) members must have extensive training and experience of at
14 least ten (10) years in maritime transportation;

15 (3) Two (2) members must have extensive training and experience of at
16 least ten (10) years in land transportation; and

17 (4) One (1) member must have extensive training and experience in rail
18 transportation.

19 (d) The members of the NTSB must also have adequate knowledge in
20 investigation, analysis and evaluation of transportation accidents, particularly
21 in the field of accident reconstruction, evaluation of evidence and

1 transportation safety.

2
3 SEC. 5. *Chairperson.* - The Chairperson of the NTSB shall be the chief
4 executive officer and shall exercise the executive and administrative functions
5 thereof with respect to the appointment and supervision of personnel employed
6 by the NTSB, distribution of functions among any administrative units of the
7 NTSB and the use and expenditure of funds.

8 The members of the NTSB will choose from among themselves an acting
9 Chairperson in the event of absence or incapacity of the Chairperson.

10
11 SEC. 6. *Appointment of NTSB Members.* - The President of the Philippines
12 shall appoint the first members of the NTSB within sixty (60) days from the
13 effectivity of this Act. Any vacancy in the NTSB shall also be filled within
14 sixty (60) days from the date the vacancy first arises.

15
16 SEC. 7. *Term of Office.* - All members of the NTSB shall have a fixed
17 term of six (6) years without reappointment. Of those first appointed, the
18 Chairperson shall hold office for six (6) years, two (2) members shall hold
19 office for four (4) years and the remaining two (2) members shall hold office
20 for two (2) years, without reappointment. Upon the expiration of the term of a
21 member of the NTSB, the said member shall continue to serve until a

1 successor is appointed and shall have qualified. Appointment to any vacancy
2 shall only be for the unexpired term of the predecessor.

3 No member of the NTSB shall hold concurrently any other government office
4 or position or be employed in any government-owned or controlled corporation or
5 entity.

6 Members of the NTSB may be removed by the President for cause as provided
7 for by law.

8
9 SEC. 8. *Prohibited Interests.* - The Chairperson and members of the NTSB or
10 any of their relatives within the fourth civil degree of consanguinity or affinity,
11 legitimate or common law, shall be prohibited from holding any interest whatsoever,
12 either as investor, stockholder, officer or director, in any company or entity engaged
13 in air, maritime, land and rail transportation, whether scheduled or unscheduled,
14 passenger or cargo, domestic or international, or in any business providing support
15 services to persons engaged in areas such as general sales agencies, travel agencies,
16 cargo forwarders, ground handling, catering, fuel servicing, maintenance, and must
17 divest, through sale or legal disposition, of any and all interests in such undertakings
18 upon assumption of office. Any violation of this section shall subject the member
19 concerned to removal from the NTSB for cause as well as administrative, civil or
20 criminal prosecution under applicable laws.

1 SEC. 9. *Quorum.* - The presence of at least three (3) members of the NTSB
2 shall constitute a quorum and the majority vote of two (2) members in a meeting
3 where a quorum is present shall be necessary for the adoption
4 of any rule, ruling, order, resolution, decision or other act of the NTSB in the
5 exercise of its functions.

6
7 SEC. 10. *Compensation.* - The salary of the Chairperson and the members
8 of the NTSB shall be the same as those of the Chairperson and Members of the
9 different Constitutional Commissions. They shall also be entitled to
10 computable representation and transportation allowances in the amount of not
11 less than Five thousand pesos (P5,000.00) each per month. The salary of the
12 Chairperson and Members of the NTSB shall not be decreased during their
13 tenure.

14
15 SEC. 11. *Offices of the NTSB.* - The NTSB shall establish and maintain
16 distinct and appropriately staffed bureaus, divisions or offices to investigate
17 and report on accidents in any of the following modes of transportation: a) air;
18 b) maritime; c) land; and d) railroad or tracked vehicles.

19 The NTSB shall also establish and maintain any other office as is
20 needed, including an office to investigate and report on the safe transportation
21 of hazardous, toxic or waste materials.

1
2 SEC. 12. *Personnel.* - Subject to civil service laws, rules and regulations
3 and the approval of the Department of Budget and Management, the NTSB is
4 authorized to determine its own staffing pattern and the number of personnel of
5 the organization. The NTSB is also authorized, in accordance with existing
6 laws and policies, to select, appoint, employ, and fix the compensation of such
7 officers and employees, including investigators, and attorneys, as shall be
8 necessary to carry out its powers and duties.

9 SEC. 13. *Seal.* - The NTSB shall have a seal which shall be officially
10 recognized.

11 CHAPTER III 12 POWERS AND FUNCTIONS

13 SEC. 14. *Powers of the NTSB.* - The NTSB shall exercise the following
14 powers:

15 a) The NTSB, or upon authority of the NTSB, any member thereof,
16 or any officer or employee duly designated by the chairperson, may conduct
17 such hearings, sit and act as such times and places, administer such oaths and
18 require by *subpoena* or *subpoena duces tecum* the attendance and testimony of
19 such witnesses and the production of such evidence as the NTSB or such
20 officer may deem necessary. Subpoenas shall be issued under the signature of

1 the chairperson, and may be served by the person designated by the
2 chairperson.

3 b) Any employee of the NTSB, upon presenting appropriate
4 credentials and a written notice of inspection authority, is authorized to enter
5 any property wherein a transportation accident has occurred or wreckage of
6 any such accident is located and do all things therein necessary for the proper
7 conduct of investigation. The employees may inspect, at reasonable times,
8 records, files, processes, controls and facilities relevant to the investigation of
9 such accident. Each inspection shall commence and be completed with
10 reasonable promptness and the results of such inspection made available to the
11 public within a reasonable time;

12 c) In case of contumacy or refusal to obey a subpoena, an order, or
13 an inspection notice of the NTSB or any duly designated employee thereof, by
14 any person who resides, is found, or transacts business within the jurisdiction
15 of the Philippines, may be required to comply forthwith by a court of
16 competent jurisdiction, upon the petition of the NTSB. Failure to obey such an
17 order is punishable by such court as contempt of court;

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

1 e) The NTSB is authorized to:

2 1) Use, on a reimbursable basis or otherwise, when appropriate,
3 available services, equipment, personnel and facilities of the Department
4 of Transportation, the Department of National Defense, the Department
5 of Public Works and Highways, including their attached agencies, and
6 other agencies and instrumentalities of the government in the conduct of
7 its investigations;

8 2) Employ recognized experts and consultants on the accidents
9 under investigation who shall be paid by compensation fixed by the
10 NTSB: *Provided*, That not more than two consultants shall be
11 appointed for each incident being investigated;

12 3) Create advisory committees composed of qualified private
13 citizens and government officials as it deems necessary or appropriate;

14 4) Accept voluntary and uncompensated services notwithstanding
15 any other provision of law; and

16 5) Accept gifts or donations of money or property, including real,
17 personal, mixed, tangible or intangible; and enter into contracts with
18 public or private non-profit entities for the conduct of studies related to
19 any of its functions.

20 f) The NTSB may order any autopsy to be performed and have
21 other tests made when necessary' to investigate an accident. However, local or

1 national laws protecting religious beliefs related to autopsies shall be observed
2 to the extent consistent with the needs of the accident investigation. With or
3 without reimbursement, the NTSB may obtain a copy of an autopsy report
4 performed by a State or local official on an individual who died because of a
5 transportation accident investigated by the NTSB;

6 g) As soon as practicable after being notified of a transportation
7 accident within the Philippines involving a domestic or foreign air carrier,
8 domestic or foreign passenger or cargo ship, land based mass transit system
9 which results in the loss of lives or significant damage to property or to the
10 environment, the NTSB shall:

11 1) Designate and publicize the name and phone number of the
12 Director of the Office for Public Affairs or Support Services, which shall
13 be created pursuant to this Act, who shall be an employee of the NTSB
14 and shall be responsible for acting as a point of contact within the
15 Government for the families of passengers involved in the accident and a
16 liaison between the carrier and the families;

17 2) Designate the Department of Social Welfare and Development
18 (DSWD) or an independent non-governmental organization (NGO), with
19 experience in disasters and post-trauma communication with families,
20 which shall have primary responsibility for coordinating the emotional
21 care and support of the families of passengers involved in the accident;

1 3) Meet with the families who have traveled to the location of the
2 accident, to contact the families unable to travel to such location, and to
3 contact all affected families periodically thereafter until such time as the
4 NTSB, in consultation with the DSWD, determines that further assistance
5 is no longer needed;

6 4) Communicate with the families as to the roles of the NTSB,
7 government agencies, and the carrier involved with respect to the accident
8 and the post-accident activities; and

9 5) Request, as soon as practicable, from the carrier involved in the
10 accident a list, which is based on the best available information at the time
11 of the request, of the names of the passengers that were aboard the
12 transport involved in the accident.

13 h) To the extent practicable, the NTSB shall coordinate its activities
14 with the carrier involved in the accident so that the resources of the carrier can
15 be used to the greatest extent possible to carry out the Board's responsibilities;

16 i) Whenever the NTSB submits or transmits any budget estimates,
17 budget request, supplemental budget estimate, or other budget information,
18 legislative recommendation, prepared testimony for Congressional hearings, or
19 comment on legislation to the President or the Department of Budget and
20 Management, it shall concurrently transmit a copy thereof to the Congress. No
21 officer or agency of the government shall have any authority to require the

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

6 j) The NTSB is empowered to designate representatives to serve or
7 assist on such committees as the Chairperson determines to be necessary or
8 appropriate to maintain effective liaison with executive departments, other
9 government agencies, and with independent standard setting bodies carrying
10 out programs and activities related to transportation safety;

11 k) The NTSB or any employee of the NTSB duly designated by the
12 Chairperson, may conduct an inquiry to secure data with respect to any matter
13 pertinent to transportation safety, upon publication of notice of such inquiry in
14 the Official Gazette or newspaper of general circulation; and may require, by
15 special or general orders, government agencies and persons engaged in the
16 transportation of people or property in commerce to submit written report and
17 answers to such requests or questions as are propounded with respect to any
18 matter pertinent to any function of the NTSB. Such reports and answers shall
19 be submitted to the NTSB or to such employee within a reasonable period of
20 time as the NTSB may determine. Copies thereof shall be made available for
21 inspection by the public;

1 l) The NTSB may delegate any of its power and functions to the
2 heads of the different bureaus, divisions or offices of NTSB to further facilitate
3 the implementation of the provisions of this Act;

4 m) Establish such rules and regulations as may be necessary to the
5 exercise of its powers and functions under this Act.

6
7 SEC. 15. *Functions of the NTSB.* - The NTSB shall be the primary
8 government body to conduct accident investigations in accordance with the
9 provisions of this Act.

10 The following are the primary functions of the NTSB:

11 a) Investigate or cause to be investigated, in such details as it shall
12 prescribe, and determine the facts, conditions, and circumstances and the cause
13 or probable cause or causes of the following accidents resulting to a
14 fatality or substantial property damage:

15 1) Aircraft accident, except those involving aircraft operated by the
16 Armed Forces of the Philippines and law enforcement agencies, or
17 occurring within military sites in the Philippines, or an accident involving
18 solely an aircraft of the armed forces of any foreign country occurring in
19 the Philippines, which shall be the responsibility of the military. For the
20 purpose of this Act, the term "*military sites*" means those areas within the
21 Philippines which are under the control of the military of the Philippines

1 or the military of another country.;"

2 2) Land transportation accident;

3 3) Railway accident;

4 4) Maritime accident, except those involving only vessels used by
5 the Armed Forces of the Philippines, occurring on the navigable waters or
6 territorial seas of the Philippines, or involving a vessel of the Philippines,
7 in accordance with the regulations to be prescribed jointly by the NTSB
8 and the Secretary of Transportation in which the Coast Guard is
9 operating. Any maritime accident involving a public vessel and any other
10 vessel shall be investigated and the facts, conditions, and circumstances,
11 and the cause or probable cause determined and made
12 available to the public by either the NTSB or the Secretary of
13 Transportation; and

14 5) Other accidents which occur in connection with the transportation
15 of people or property, equipment or hazardous materials which, in the
16 judgment of the NTSB, is catastrophic, involve problems of a recurring
17 character, or would otherwise carry out the above-stated policy of the
18 State. Nothing therein shall prevent the NTSB from making further
19 inquiries on accidents already investigated by existing accident-
20 investigating bodies. Furthermore, the NTSB may require the submission
21 of their records, reports, findings and recommendations of past

1 investigations.

2 b) Report in writing on the facts, conditions, and circumstances of
3 each accident investigated pursuant to paragraph (a) of this section and cause
4 such reports to be made available to the public and cause notice of the issuance
5 and availability of such reports when already published in the Official Gazette
6 or a newspaper of general circulation;

7 c) Issue periodic reports to Congress and government agencies
8 concerned with transportation safety, and other interested persons
9 recommending and advocating meaningful responses to reduce the likelihood
10 of recurrence of transportation accidents similar to those investigated by the
11 NTSB and proposing corrective steps to make the transportation of persons and
12 goods as safe and free from risk of injury or loss as possible;

13 d) Make transportation safety recommendations to national agencies
14 and private organizations to reduce the likelihood of recurrences of
15 transportation accidents;

16 e) Initiate and conduct special studies and special investigations on
17 matters pertaining to safety in transportation;

18 f) Assess and reassess techniques and methods of accident
19 investigation, prepare and publish from time to time recommended procedures
20 for accident investigations;

21 g) Evaluate, assess the effectiveness, and publish the findings of the

1 NTSB with respect to the transportation safety consciousness and efficacy in
2 preventing accidents of other government agencies, as well as promote
3 transportation safety consciousness in both the national and local governments;

4 h) Evaluate the adequacy of safeguards and procedures concerning
5 the transportation of hazardous materials and the performance of carriers and
6 other government agencies charged with assuring the safe transportation of
7 such materials;

8 i) Gather, analyze and survey, and keep data and statistics related to
9 transportation accidents; and

10 j) Prepare and submit annual reports which shall include specific
11 proposals for corrective legislation to the Department of Transportation, with
12 copies simultaneously furnished to the appropriate committees of the Senate
13 and the House of Representatives.

14 Other government agencies mandated to investigate concurrently the
15 accidents mentioned in this section shall coordinate with the NTSB in the
16 performance of its functions. In addition, it shall give full support to the
17 actions and policies dictated by the NTSB during the conduct of investigations.

1

2 **CHAPTER IV**

3 **SPECIAL BOARD OF INQUIRY**

4 **AND SAFETY RECOMMENDATIONS**

5

6 SEC. 16. *Special Board of Inquiry.* - (a) If an accident involves a

7 substantial question about public safety, the NTSB may establish a special

8 board of inquiry composed of the following:

9 i) One (1) member of the NTSB acting as chairperson;

10 ii) Two (2) members representing the public, appointed by the

11 President of the Philippines on notification of the creation of the

12 special board of inquiry.

13 (b) The public members of a special board of inquiry must be qualified by

14 training and experience to participate in the inquiry and may

15 not have a pecuniary interest in an enterprise related to the mode of

16 transportation involved in the accident to be investigated.

17 (c) A special board of inquiry has the same authority that the NTSB has

18 under this Act.

19

20 SEC. 17. *Recommendations of the NTSB.* - The NTSB shall recommend to

21 the Secretary of Transportation the recall of any defective conveyance and to

1 cause the installation of the required part or parts to make it safe and notify not
2 only the distributor or purchasers but also the public of such defect. It shall also
3 recommend the grounding of any defective conveyance pending the
4 investigation of the cause or nature of its defect. Moreover, the NTSB may also
5 recommend the denial, amendment, modification, suspension, or revocation of
6 a certificate of public convenience, registration or franchise if the modes of
7 conveyance, including the transportation activities of a commercial carrier,
8 have been found negligent in ensuring transportation safety.

9 Wherever the NTSB submits a recommendation regarding transportation
10 safety to the Secretary of Transportation, the Secretary shall respond to each
11 such recommendation formally and in writing not later than thirty (30) days
12 after receipt thereof. The response to the NTSB by the Secretary shall indicate
13 any intention to:

- 1 i) Initiate and conduct procedures for adopting
2 such
3 recommendation in full, pursuant to a proposed timetable, a
4 copy of which shall be included;
- 5 ii) Initiate and conduct procedures for adopting
6 such
7 recommendation in part, pursuant to a proposed timetable, a
8 copy of which shall be included. Such response shall set forth
9 in detail the reasons for the refusal to proceed as to the
10 remainder of such recommendation; and
- 11 iii) Refuse to initiate or conduct procedures for adopting such
12 recommendation. Such response shall set forth in detail the
13 reasons for such refusal.

14

15 SEC. 18. *Use of Reports in Actions for Damages.* - No part of any
16 report of the NTSB relating to any accident or the investigation thereof,
17 shall be admitted as evidence or used in any suit or action for damages
18 arising out of any matter mentioned in such report or reports.
19 Furthermore, the NTSB shall have immunity from suits arising from its
20 investigation, pronouncements and findings.

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CHAPTER V
MISCELLANEOUS PROVISIONS

4 SEC. 19. *Relationship with Other Government Agencies.* - Nothing in
5 this Act shall deprive other government agencies from performing their
6 function of investigating transportation accidents as required by existing
7 laws or making inquiries thereon: Provided, That the NTSB shall be the
8 primary investigator of any transportation accident enumerated under
9 Section 15 of this Act and the NTSB may request assistance from other
10 government agencies in conducting its investigation.

11 The NTSB, at its discretion, may require the submission of the
12 records, findings and recommendations of the appropriate agency with
13 regard the investigation or inquiry conducted. For this purpose, the
14 concerned agency shall submit to the NTSB, within fifteen (15) days
15 from receipt of the order, said records, findings and recommendations.

16 In the exercise of its powers, the NTSB shall take into
17 consideration the provisions of any treaty entered into by the Republic of
18 the Philippines with other countries relative to the investigation of
19 accidents over which the NTSB assumed jurisdiction.
20

21 SEC. 20. *Annual Report.* - The NTSB shall submit to both Houses
22 of Congress an annual report at the end of each year. Such report shall
23 include the following:

1 a) A statistical and analytical summary of the transportation
2 accident investigations conducted and reviewed by the NTSB during the
3 preceding calendar year;

4 b) A survey and summary, in such detail as the NTSB deems
5 advisable, of the recommendations made by the NTSB to reduce the
6 likelihood of recurrence of such accidents together with the observed
7 response to each recommendation;

8 c) An appraisal in detail of the accident investigation and
9 accident prevention activities of other government agencies charged by
10 law with responsibility in this field; and

11 d) Recommendations for legislative and administrative actions
12 or changes with respect to transportation safety.

13
14 SEC. 21. *Fiscal Autonomy.* - The NTSB shall enjoy fiscal
15 autonomy. Their approved annual appropriations shall be automatically
16 and regularly released.

17
18 SEC. 22. *Appropriations.* - The NTSB shall receive an
19 appropriation in the amount of Thirty Million Pesos (P30,000,000.00) to
20 finance its operation for the first year to be appropriated out of the funds
21 of the National Treasury not otherwise appropriated. Thereafter, such
22 amounts as may be necessary and sufficient to finance its operations and

activities shall be included in the annual General Appropriations Act.

CHAPTER VI

FINAL PROVISIONS

SEC. 23. Separability Clause. - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect. Adopted.

SEC. 24. Repealing Clause. - All laws, decrees, orders, proclamation, rules and regulations, or parts thereof, which are inconsistent with any of this Act are hereby repealed, amended, or modified accordingly.

SEC. 25. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,