

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 2217



Introduced by **Rep. ANGELO MARCOS BARBA**
2nd District, Ilocos Norte

EXPLANATORY NOTE

This Bill seeks to create an independent and non-regulatory agency mandated to effectively investigate transportation accidents, assembling the broad spectrum of technical expertise that is needed to solve complex transportation safety problems on land, sea and air including railway and pipeline systems.

One of the biggest challenges in our country is the occurrence of various transportation accidents. This growing problem remains unresolved and oftentimes, agencies tasked to investigate such accidents are faced with a lot of criticisms due to their failure to resolve such incidents.

Thus, the creation of the Philippine Transport Safety Board (PTSB) is necessary to take the lead in conducting an impartial investigation and provide thorough accident and incident reports that will determine the probable cause or causes thereof. This independent body shall also provide recommendations and conclusions to prevent future accidents, save lives, reduce injuries and property damages.

PTSB shall have extensive training and experience in the respective field of marine, air, highway and rail transportation systems, and must have adequate knowledge in investigation, analysis, and evaluation of transportation accidents, particularly in the field of accident reconstruction, safety engineering, or transportation safety.

Safety in our transportation system is of primordial concern. We believe that the PTSB will be an effective vehicle to ensure that all modes of transportation in the country are conducted safely.

The same measure was filed in the Seventeenth Congress, which were consolidated by the Committee on Government Reorganization but due to lack of material time, the House was not able to take positive action on this Bill.

In view of the foregoing, the support of the Members of Congress is earnestly sought for the prompt passage of this bill.


ANGELO MARCOS BARBA

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AN ACT
ESTABLISHING THE PHILIPPINE TRANSPORTATION SAFETY
BOARD, DEFINING ITS POWERS AND FUNCTIONS, AND
APPROPRIATING FUNDS THEREFOR

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

ARTICLE I

GENERAL PROVISIONS

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

SEC. 2. ***Declaration of Policy.*** – It is hereby declared the policy of
the State to maintain a safe, viable, efficient and dependable transportation
system as it plays an important role in nation-building and in promoting
economic growth.

Consistent with this policy, the State recognizes the importance of
preventing transportation accidents, thereby saving lives and property, by
promoting transportation safety. Towards this end, there is a need to
establish a government agency tasked with promoting safety and efficiency in
the transportation of people, property and goods, and conducting
investigations to determine the cause of transportation accidents.

ARTICLE II

CREATION

SEC. 3. ***Philippine Transportation Safety Board.*** – There is
hereby created a Philippine Transportation Safety Board (PTSB), a
non-regulatory and independent agency to implement the foregoing policies
of the State. The PTSB shall be an independent agency under the Office of the

1 President and shall develop appropriate safety standards to be followed and
2 implemented by concerned agencies.

3 It shall have the following objectives:

4 (a) Improve transportation safety measures in order to prevent
5 transportation accidents or mitigate dangers to human lives and property;
6 and

7 (b) Ensure the implementation of transportation safety standards.

8 The PTSB shall be the primary government body that shall investigate
9 and determine the facts, conditions, circumstances and the causes of any
10 major or fatal air, maritime and land transportation accident, or threat of a
11 major or fatal air, maritime or rail accident. Accidents involving aircrafts,
12 vessels and vehicles operated by the Armed Forces of the Philippines (AFP), or
13 occurring within military sites in the Philippines, or those involving solely
14 aircrafts, vessels and vehicles of the armed forces of any foreign country
15 occurring in the Philippines shall be the responsibility of the AFP.

16 SEC. 4. Jurisdiction. – The PTSB shall have jurisdiction over all major
17 or fatal transportation accidents or those of alarming nature resulting in
18 serious physical injury or loss of life or property or causing substantial
19 damage to or destruction of property or surroundings.

20 A major or fatal transportation accident shall include:

21 (a) Capsizing or grounding of a ship or marine vessel;

22 (b) Collision of ships or vessels;

23 (c) Air crash or collision of aircrafts;

24 (d) Overshooting or emergency landing of an aircraft;

25 (e) Vehicular crash or collision of motor vehicles; and

26 (f) Derailment of trains.

27 The jurisdiction of the PTSB shall extend to similar accident or incident
28 with alarming magnitude such as, but not limited to:

29 (a) Contamination of air or water due to pipe leakage; and

30 (b) Failure or defect of transportation infrastructure facilities.

31 SEC. 5. ***Powers and functions of the PTSB.*** –The PTSB shall
32 have the following powers and functions:

33 (a) Evaluate and harmonize transportation safety standards with
34 international safety standards of applicable conventions, treaties and best

1 practices in transportation safety including those developed by transportation
2 agencies, and recommend its implementation to all sectors of Philippine
3 transportation;

4 (b) Conduct hearings and investigations concerning any major or fatal
5 transportation accident, and conduct special studies on matters pertaining to
6 safety in transportation: *Provided*, That the Board shall not be prevented from
7 making further inquiries on accidents subject of past investigations and shall
8 require the investigating bodies to submit the pertinent records, reports,
9 findings and recommendations: *Provided further*, That other agencies
10 mandated to investigate concurrently such accidents shall coordinate with,
11 cooperate with and extend its full support to the Board during the conduct of
12 investigation;

13 (c) Require the involvement or collaboration of the members of the
14 academe and the non-government organizations in investigations requiring
15 their expertise and knowledge;

16 (d) Recommend to the concerned government agencies and private
17 organizations the adoption of transportation safety standards and measures
18 that will improve transportation safety;

19 (e) Prepare a written reports regarding its investigations and special
20 studies, including the findings and safety recommendations thereon and make
21 such reports available to the public;

22 (f) Assess and evaluate the techniques and methods of accident
23 investigation and prepare and publish from time to time the recommended
24 procedures for accident investigations;

25 ARTICLE III

26 ORGANIZATION

27 SEC. 6. ***Composition, Qualifications, and Appointment of***
28 ***the Members of the Governing Board.*** – The governing Board,
29 hereinafter referred to as the Board, shall be composed of five (5) full-time
30 members, including a Chairperson. All the members of the Board shall have
31 extensive training and experience in their respective transportation fields and
32 each must have adequate knowledge in investigation, analysis, and evaluation
33 of transportation accidents, particularly in the field of accident reconstruction,
34 safety engineering, or transportation safety.

1 The members shall be Filipino citizens and residents of the Philippines,
2 at least thirty-five (35) years of age, and persons of good moral character,
3 unquestionable integrity, and recognized probity and competence.

4 Within sixty (60) days from the effectivity of this Act, the President of
5 the Philippines shall appoint the first members of the Board. Any member
6 may be removed by the President for cause as provided for by law.

7 In case of incapacity or absence of the Chairperson, the members shall
8 choose from among themselves an acting Chairperson.

9 **SEC. 7. *Term of Office.*** – All members shall have a fixed term of
10 six (6) years. Of those first appointed, the Chairperson shall hold office for
11 six (6) years, two (2) members shall hold office for four (4) years and the
12 remaining two (2) members shall hold office for two (2) years. Upon the
13 expiration of the term of office of a member, the said member shall continue
14 to serve until a successor is appointed and qualified. Appointment to any
15 vacancy is only for the unexpired term of the predecessor. Such vacancy
16 shall be filled within sixty (60) days from the date of its occurrence.

17 **SEC. 8. *Powers and Functions of the Governing Board.*** –
18 The powers and functions of the PTSB shall be vested in and exercised by the
19 Board.

20 The Board shall have the following powers and functions:

21 (a) Cite for contempt any person in case of contumacy or refusal to
22 obey subpoena, an order, or an inspection notice of the Board;

23 (b) Authorize any of its employees to enter any property where a
24 transportation accident has occurred, or where wreckage is found, or where
25 any such accident is located, and do all things necessary for the proper
26 conduct of investigation. The authorized employee may inspect, at a
27 reasonable time, records, files, processes, controls and facilities relevant to the
28 investigation of such accident. Each inspection shall be commenced and
29 completed with reasonable promptness and the results thereof shall be made
30 available to the concerned parties;

31 (c) Enter into contracts or agreements with any person or entity as
32 may be necessary in the conduct of its powers and functions, including the
33 employment of experts on accidents under investigation;

1 (d) Use, when appropriate, available services, equipment, personnel
2 and facilities of the other agencies and instrumentalities of the government in
3 the conduct of its investigation;

4 (e) Establish and maintain an adequately staffed laboratory and
5 ancillary facilities for the purpose of examining evidence obtained during the
6 course of its investigation;

7 (f) Create advisory committees composed of qualified private citizens
8 and government officials as may be necessary or appropriate;

9 (g) Authorize an autopsy to be performed and have other tests made
10 when necessary to investigate an accident: *Provided*, That local or national
11 laws protecting religious beliefs related to autopsies shall be observed to the
12 extent consistent with the needs of the accident investigation: *Provided*,
13 *further*, That the Board shall be provided with a copy, free of charge, of any
14 autopsy report performed by a national or local official;

15 (h) Coordinate with the carrier involved in the accident so that
16 resources of the carrier may be used to the greatest extent possible to carry out
17 the responsibilities of the PTSB;

18 (i) Require government agencies and persons engaged in
19 transportation to submit written report with respect to any matter pertinent to
20 transportation safety, such report to be submitted within a reasonable period
21 of time as determined by the PTSB;

22 (j) Promulgate, in coordination with the relevant law enforcement
23 and investigating agencies, the necessary protocols in the conduct of its
24 investigations;

25 (k) Delegate any of its powers and functions to the heads of the
26 different bureaus, divisions or offices of the PTSB to further facilitate the
27 implementation of the provisions of this Act; and

28 (l) Accept voluntary and uncompensated services, gifts or donations
29 notwithstanding any other provision of law to the contrary.

30 SEC. 8. **Chairperson; Duties and Powers.** – The Chairperson
31 shall be the chief executive and administrative officer of the PTSB. The
32 Chairperson shall:

33 (a) Administer oaths and issue *subpoena duces tecum* or *subpoena*
34 *ad testificandum*: *Provided*, That subpoenas shall be issued under the

signature of the Chairperson and may be served by any officer, personnel or employee of the PTSB as designated by the Chairperson;

(b) Execute and carry out the policies, decisions, orders, and resolutions approved by the Board;

(c) Direct and supervise the operations and internal administration of the PTSB, including enforcement of disciplinary actions;

(d) Sign appointments, make temporary assignments, rotate and transfer of personnel in accordance with law;

(e) Prepare the annual budget of the PTSB for approval by the Board;

(f) Supervise the expenditures of the PTSB;

(g) Delegate his/her authority, in whole or in part, to other officials of the PTSB in accordance with Executive Order No. 292, otherwise known as the Administrative Code of 1987, as amended, and the rules and regulations of the Board; and

(h) Perform such other functions as may be authorized by the Board.

SEC. 10. **Quorum.** – The presence of at least three (3) members shall constitute a quorum and the majority vote of members present shall be necessary for the adoption of any rule, ruling, order, resolution, decision or other acts of the Board.

SEC. 11. **Compensation.** – The salary of the Chairperson and the members of the Board shall be the same as those of the Chairperson and members of the different Constitutional Commissions. They shall be entitled to representation and transportation allowances under existing laws.

SEC. 12. **Offices of the PTSB.** – For the proper management and effective implementation of the objectives of the PTSB, the following offices are hereby established:

(a) *Office of the Executive Director.* – The PTSB shall have an Executive Director who shall be appointed by the President of the Philippines upon recommendation of the Board. The Executive Director must be at least thirty-five (35) years of age at the time of appointment, a member of the Philippine bar, and engaged in the practice of law for at least ten (10) years prior to the date of appointment. The appointee must not have been a candidate for any elective position in the elections immediately preceding the appointment.

1 The Executive Director shall assist the Chairperson in the discharge of
2 his functions as executive and administrative head of the Board and be
3 responsible for the day-to-day management of the PTSB; record and report
4 the proceedings of the Board; have custody of records, maps, profiles, reports,
5 and other documents filed in connection with any case or proceedings before
6 the PTSB; supervise the PTSB laboratory; and, perform such other functions
7 as may be assigned by the Chairperson or the Board.

8 (b) *Office of Aviation Safety.* – The Office of Aviation Safety shall
9 conduct investigations of all aviation accidents and submit the corresponding
10 reports and necessary transportation safety recommendations to the Board.

11 (c) *Office of Maritime Safety.* – The Office of Maritime Safety shall
12 conduct investigations of all maritime accidents and submit the corresponding
13 reports and necessary transportation safety recommendations to the Board

14 (d) *Office of Surface Transportation Safety.* – The Office of Surface
15 Transportation Safety shall conduct investigations of road transportation,
16 railroad, and pipeline accidents and submit the corresponding reports and
17 necessary transportation safety recommendations to the Board.

18 (e) *Office of Transportation Safety Standards.* – The Office of
19 Transportation Safety Standards shall prescribe safety standards in all
20 transportation systems; establish and update transportation safety standards
21 through continuing research and in-depth studies; and oversee the
22 implementation of the safety recommendations program of the PTSB.

23 (f) *Office of Research and Engineering.* – The Office of Research and
24 Engineering shall provide technical advice and services to the PTSB; conduct
25 research and carry out analytical studies and tests on all aspects of the PTSB's
26 transportation accident investigation, accident prevention and safety
27 promotion activities; conduct safety studies on specific safety issues; perform
28 statistical analyses of transportation accidents and incident data; maintain
29 archival records of the PTSB's accident investigation and safety promotion
30 activities; and, support the PTSB's data processing, computing and
31 information management requirements.

32 (g) *Office of the General Counsel.* – The Office of the General Counsel
33 shall provide legal advice and assistance to the PTSB and its officers,

1 personnel and employees; prepare rules, opinions and orders; and represent
2 the PTSB in court actions and other proceedings.

3 (h) *Office of Public Affairs.* – The Office of Public Affairs shall provide
4 the general public, including Congress and the national agencies, the
5 transportation industry, and the media with current and accurate information
6 concerning the activities, programs and objectives of the PTSB.

7 (i) *Administration Office.* – The Administration Office shall provide
8 administrative support in the following aspects: budget; accounting and audit;
9 human resource management; information and automatic data processing
10 management; property, space, communications, facilities and transportation
11 management; and, printing, publications, correspondence, procurement,
12 contracting, and accident inquiry services.

13 SEC. 13. ***Personnel.*** – Subject to civil service laws, rules and
14 regulations, and the approval of the Department of Budget and Management,
15 the Board shall determine its own staffing pattern and the number of
16 personnel of the organization. The Board shall,
17 in accordance with existing laws and policies, select, appoint, employ, and fix
18 the compensation of such officers and employees, including investigators, and
19 attorneys, as may be necessary to carry out its powers and duties.

20 SEC. 14. ***Prohibited Interests.*** – The Chairperson, members of the
21 Board, officers, and employees shall not, during their tenure, hold any other
22 office or employment. Neither shall they engage in the practice of any
23 profession or in the active management or control of any business which, in
24 any way, may be affected by the functions of their office, nor shall they be
25 financially interested, directly or indirectly, in any contract with, or in any
26 franchise or privilege, granted by the government and its subdivisions,
27 agencies or instrumentalities, including government-owned or controlled
28 corporations or their subsidiaries. They shall directly avoid conflict of interest
29 in the conduct of their office.

30 No spouse or relative by consanguinity or affinity within the fourth civil
31 degree and no law, business or professional partner or associate of the
32 Chairperson or Members may appear as counsel or agent on any matter
33 pending before the Board or transact business directly or indirectly therewith.

1 The disqualification shall apply during the tenure of the official
2 concerned and one (1) year thereafter.

3 Any violation of this section shall be a ground for removal from the
4 PTSB as well as administrative, civil or criminal prosecution under applicable
5 laws.

6 SEC. 15. **Recommendations of the Board.** – The Board shall
7 submit a recommendation regarding transportation safety to the appropriate
8 government agencies of which they shall respond to each recommendation
9 formally and in writing not later than thirty (30) days after receipt thereof.
10 The failure on the part of the concerned agency to abide by the
11 recommendation of the Board without any justifiable reason shall be a ground
12 for administrative liability of the head of the agency or concerned official as
13 well as other sanctions as provided under existing laws.

14 The Board shall recommend to the appropriate government agencies
15 the recall of any defective means of transportation and to cause the
16 installation of the required part or parts to make it safe and notify not only the
17 distributor or purchaser but also the public of such defect. It shall also
18 recommend the grounding of any defective means of transportation pending
19 the investigation of the cause or nature of its defect. Moreover, the Board
20 may also recommend the denial, amendment, modification, suspension, or
21 revocation of a certificate of public convenience, registration or franchise if the
22 means of transportation, including the activities of a commercial carrier, have
23 been found negligent, as well as suspension or revocation of license, as the
24 case may be.

25 In its report, the Board shall include the accountabilities of officials and
26 employees of regulatory transport agencies who fail to properly implement the
27 transportation safety standards provided under pertinent or applicable
28 conventions, treaties, laws, rules and regulations.

29 SEC. 16. **Disclosure, Availability, and Use of Information.**
30 – (a) Except as provided in this section, any copy of record, information or
31 report of investigation submitted to the PTSB shall be made available to the
32 public upon request and payment of reasonable cost;

33 (b) The Board shall not make the records available for purposes other
34 than accident or incident investigation, unless the appropriate authority for

1 the administration of justice determines that their disclosure outweighs the
2 adverse domestic and international impact;

3 (c) The Board shall not disclose any information related to a trade
4 secret except:

5 1. To another department, agency, or instrumentality of the national
6 government, when requested for official use;

7 2. To a committee of Congress having jurisdiction over the
8 subject matter to which the investigation is related, when requested by that
9 committee;

10 3. In a judicial proceeding under a court order that preserves the
11 confidentiality of the information without impairing the proceeding; and

12 4. To the public: *Provided*, That such disclosure shall be for the
13 protection of public health and safety: *Provided, further*, That the disclosure
14 shall be made in a manner designed to protect and preserve its confidentiality.

15 (d) The Board shall not publicly disclose any part of a cockpit voice
16 recording or transcript of oral communications by and between flight crew
17 members and ground station related to an accident or incident investigated by
18 the PTSB: *Provided*, That the PTSB shall make public any part of the
19 transcript that it deems relevant to the said accident or incident:

20 1. When the PTSB holds a public hearing on the accident or incident;
21 or

22 2. When the PTSB makes public its findings relative to the said
23 accident or incident.

24 (f) Except as provided in Section 15 (b) of this Act, the Board shall
25 maintain the confidentiality of, and exempt from disclosure:

26 1. Laboratory records provided to the Board; and

27 2. Medical information related to the test or a review of the test
28 voluntarily provided to the Board by the tested officer or employee:

29 (g) The Board may use a laboratory record of a person made available
30 to it under this Act to develop an evidentiary record in its investigation of an
31 accident or incident where the fitness of such person is at issue. -

32 SEC. 17. ***Non-admissibility as Evidence.*** - No part of a report
33 of the PTSB related to a transportation accident investigation may be admitted
34 into evidence or used in a civil action for damages resulting from a matter

- 1 1. Operational expenses in investigating transportation accidents;
- 2 2. Studies and research on transportation safety;
- 3 3. Reimbursement of extraordinary expenditures and expenses of
- 4 government and private agencies and persons mobilized by the Board in
- 5 investigating transportation accidents; and
- 6 4. Training and related conferences to enhance the expertise of the
- 7 officers, personnel and employees of the PTSB.

8 SEC. 23. **Appropriations.** – The amount of Thirty million pesos
9 (P30,000,000.00) is appropriated to finance the operation of the PTSB for
10 the first year out of the funds of the National Treasury not otherwise
11 appropriated. Thereafter, such amounts as may be necessary and sufficient
12 to finance its operations and activities shall be included in the annual General
13 Appropriations Act.

14 SEC. 24. **Implementing Rules and Regulations.** – Within sixty
15 (60) days from the effectivity of this Act, the PTSB, in coordination with the
16 Department of Justice, Department of Transportation, Department of Public
17 Works and Highways, Department of Energy, Department of Trade and
18 Industry and the Philippine National Police, shall promulgate the
19 implementing rules and regulations for the effective implementation of this
20 Act.

21 SEC. 25. **Separability Clause.** – If any provision or part of this
22 Act is declared invalid or unconstitutional, the remaining parts or provisions
23 not affected thereby shall remain in full force and effect.

24 SEC. 26. **Repealing Clause.** – All laws, decrees, orders, proclamation, rules and
25 regulations, or parts thereof, which are inconsistent with any provision of this Act are hereby
26 repealed, amended, or modified accordingly.

27 SEC. 27. **Effectivity.** – This Act shall take effect fifteen (15) days after its
28 publication in the *Official Gazette* or in a newspaper of general circulation.

29 Approved,
30