

Republic of the Philippines

House of Representatives

Quezon City

SEVENTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 190

HOUSE OF REPRESENTATIVES

RECEIVED

DATE: 30 JUN 2016

TIME: 8:35 PM

BY: [Signature]

REGISTRATION UNIT
BILLS AND INDEX SERVICE

Introduced by Hon. Anthony M. Bravo

and Hon. Sabiniano S. Canama

COOP-NATCCO PARTYLIST

EXPLANATORY NOTE

"Disaster" may be defined as a sudden calamitous event producing great material damage, loss and distress. It is a disturbing fact that disasters have remained a constant problem in the transportation industry, be it air, land or sea. These tragedies cause much damage to lives and properties, with losses amounting to at least 2 to 3% of the country's gross domestic product (GDP) each year. Further, the economic losses are reflected mainly in the victim's productive years that are taken away by their untimely deaths. The death and injuries due to various accidents result in considerable waste of a country's resources—from the grief caused to family and friends to the cost of enforcement of rights through the courts.

Recent events have shown that the transportation industry has experienced several major catastrophes. The government has responded to every transportation disaster by forming fact-finding bodies to investigate the cause or causes of the accident. These bodies were tasked to pinpoint responsibility for such tragedies and review such regulations and policies to prevent similar incidents from happening in the future. However, the recent disasters are testaments to the inadequate response of government towards the prevention of similar catastrophes. These tragedies could have been avoided had government initiated proactive measures designed to ensure "safety consciousness" among the owners of public utilities as well as the regulatory agencies mandated to monitor their operations.

To advance transportation safety consciousness, there is an urgent need to create the Philippine Transportation and Safety Board (PTSB) which shall be independent, non-regulatory agency shall undertake to ensure thorough and impartial investigations of transportation accidents. It shall be primarily responsible for the analysis, evaluation and prevention of air, highway and marine transportation accidents, to include railway and pipeline systems, for the effective promotion of safety and prevent loss of life and property. Briefly, the mission of this Board is to engage in the investigation and determine probable cause(s) of transportation accidents, the issuance of safety recommendations and special studies directed at preventing recurrence of such accidents and evaluating the effectiveness of concerned government agencies in preventing transportation accidents.

The creation of an independent government agency to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations has come of age in the Philippine transport system. As envisioned, the proper conduct of responsibilities assigned to this independent Board requires vigorous investigation of major accidents involving all types of public utility vehicles or vessels regulated by other agencies of government. It demands continual review, appraisal, and assessment of the operating

practices and regulations of all such agencies. It also envisions calling for the making of conclusions and recommendations that may be critical of or adverse to any such agency and its officials.

No government agency can properly perform such function unless it is totally separate and independent from any other department, bureau, commission, or agency. The current regulatory agencies involved in the transport industry cannot be expected to conduct a thorough and impartial investigation on any major accident for the simple reason that such agencies may be themselves liable due to the improper or lack of implementation of pertinent laws, rules and regulations regarding safety.

The importance and necessity of safe transportation system in our country cannot be over emphasized. The enactment of this measure is expected to ensure that all modes of transportation in the Philippines are conducted safely. We believe that the PTSB will be an effective vehicle for the realization of such a need.



HON. ANTHONY M. BRAVO



HON. SABINIANO S. CANAMA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 190

Introduced by Hon. Anthony M. Bravo
and Hon. Sabiniano S. Canama
COOP-NATCCO PARTYLIST

AN ACT
CREATING THE PHILIPPINE TRANSPORTATION SAFETY BOARD AND
APPROPRIATING FUNDS THEREFOR

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

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

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

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

- a. *Accident Reconstruction* refers to a systematic process of evaluating the evidence associated with a particular collision sequence and applying accepted physical principles in order to ascertain how the collision occurred;
- b. *Aviation* refers to the practical aspect or art of aeronautics, being the design, development, production, operation, and use of aircraft, especially heavier-than-air aircraft; the art or science of flying aircraft including the design, production, and maintenance of aircraft;
- c. *Community service organizations* refer to association or groups of persons who render voluntary service for the benefit of the local community, public or its institutions;
- d. *Hazardous materials* refer to substances or objects which are toxic, poisonous, explosive, corrosive, flammable, eco-toxic and infectious which are being disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law;
- e. *Highway and motor vehicle* refers to self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires and does not include an electric bicycle or an electric personal assistive mobility device;

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

- 3 1. The death of, or serious injury to, a person;
- 4 2. The loss of a person from a ship;
- 5 3. The loss, presumed loss or abandonment of a ship;
- 6 4. Material damage to a ship;
- 7 5. The stranding or disabling of a ship, or the involvement of a ship in a collision;
- 8 6. Material damage to marine infrastructure external to a ship, that could seriously
9 endanger the safety of the ship, another ship or an individual; or
- 10 7. Severe damage to the environment, or the potential for severe damage to the
11 environment, brought about by the damage of a ship or ships.

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

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

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

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

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

27 *j. Operator* refers to a person, organization or enterprise engaged in or offering to engage in
28 transport operation.

29 *k. Proximate cause* refers to an act from which an injury results as a natural, direct,
30 uninterrupted consequence and without which the injury would not have occurred.
31 It is the primary cause of an injury, not necessarily the closest cause in time or space nor
32 the first event that sets in motion a sequence of events leading to an injury. It produces
33 particular, foreseeable consequences without the intervention of any independent or
34 unforeseeable cause, also known as legal cause. It is a happening which results in an
35 event, particularly injury due to negligence or an intentional wrongful act;

36 *l. Railroad and Tracked Vehicle* refers to a carrier that operates cars, other than streetcars,
37 on stationary rails to transport persons or property;

38 *m. Safety Engineering* refers to the study of the causes and the prevention of accidental
39 deaths and injuries which involves the identification and appraisal of accident-producing

1 conditions and practices and the evaluation of the severity of the accident problem;
2 the development of accident and loss-control methods, procedures, and programs;
3 the communication of accident and loss-control information to those directly involved;
4 and the measurement and evaluation of the accident and loss-control systems and the
5 modifications that are required to obtain optimum results;

6 *n. Safety Manager* refers to a person responsible for ensuring that safety regulations are
7 adhered to, and for assessing unsafe situations or hazards in a place or at an event, etc.;

8 *o. Transportation Accident* refers to any accident that occurs during transportation,
9 specifically, it can refer to an aviation accident and incident, a sailing ship accident,
10 a train wreck, a vehicle collision. It may involved a device designed primarily for, or
11 being used at the time primarily for, conveying persons or goods from one place to
12 another or an unexpected incident with potential for harm occurring through the
13 movement or collision of vessels, vehicles or persons along a land, water, air or space
14 route;

15 *p. Transportation Accident Investigation* refers to a formal and official or systematic
16 examination, research, process, a searching inquiry or a detailed or careful examination
17 of ascertaining facts relating to transportation accident for the purpose of accident
18 prevention which includes the gathering and analysis of information, the drawing of
19 conclusions, including the determination of causes of transport accidents and,
20 when appropriate, the making of safety recommendations.

21 *q. Transportation Safety* refers to the safety of transport by means of transport vehicles; and

22 *r. Transportation System* refers to a system for moving persons or good consisting of three
23 components: the vehicle (equipment) is what moves objects or traffic (people, goods)
24 consists of a container and some type of motive power, either onboard or elsewhere;
25 the guide way is what the vehicle moves along consists of links and nodes that together
26 form a network, a sequence of links is called a route and a terminal is a rode where
27 traffic is transferred from one vehicle to another; and the operations plan is the set of
28 procedures by which traffic and vehicles are moved over the guide way, including
29 schedules or timetables, crew assignments, and control systems.

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

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

- 34 1. To prevent future accidents, save lives and eliminate or reduce injuries and property
35 damages;
- 36 2. To ensure that survivors and families of victims of transportation accidents receive
37 timely, immediate and adequate assistance from the operators, other government
38 agencies, and community service organizations;
- 39 3. To ensure implementation of safety standards in the transportation industry;

4. To conduct thorough transportation accident and incident investigations, determine the proximate causes, and publish accident reports and safety studies that will convince others to act; and
5. To provide safety information to the public, safety managers, and Board employees to help them make more timely and informed decisions.

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

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

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

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

The Chairman and Vice-Chairman of the Board shall each serve for a term of six (6) years. The Chairman shall be the chief executive officer of the Board and shall exercise the executive and administrative functions with respect to the appointment and supervision of personnel employed by the Board; the distribution of business among any administrative units of the Board; and the use and expenditures of funds.

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

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

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

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

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

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

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

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

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

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

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

18 4) Provide secretariat services to the Board.

19 b) Office of Public Affairs. – The Office of the Public Affairs shall supply the general
20 public, including Congress and the national agencies, the transportation industry, and the
21 news media with current, accurate information concerning the work, programs and
22 objectives of the Board.

23 c) Office of the General Counsel. – The Office of the General Counsel shall have the
24 following functions:

25 1) Provide legal advice and assistance to the Board and its staff components;

26 2) Prepare Board rules, opinions and/or orders, and provide advice to all offices and
27 bureaus on matters of legal significance; and

28 3) Represent the Board in court actions to which the Board is a party or to which the
29 Board is interested.

30 d) Office of Aviation Safety. – The Office of Aviation Safety shall have the following
31 functions:

32 (1) Conduct investigations of all aviation accidents within the Board's jurisdiction;

33 (2) Prepare reports for submission to the Board and release to the public stating the
34 facts and circumstances of such accidents, including a recommendation as to the
35 proximate causes or causes;

36 (3) Determine the proximate cause(s) of accidents when delegated to do so by the
37 Board;

38 (4) Initiate safety recommendations to prevent future aviation accidents; and

39 (5) Conduct special investigations into selected aviation accidents involving safety

- 1 issues of concern to the Board.
- 2 e) Office of Maritime Safety. – The Office of Maritime Safety shall have the following
- 3 functions:
- 4 1) Conduct investigations of all maritime accidents within the Board’s jurisdiction;
- 5 2) Prepare reports for submission to the Board and release to the public stating the
- 6 facts and circumstances of such accidents, including a recommendation as to the
- 7 proximate causes or causes;
- 8 3) Determine the proximate cause(s) of accidents when delegated authority to do so
- 9 by the Board; and
- 10 4) Initiate safety recommendations to prevent future maritime accidents; and
- 11 5) Conduct special investigations into selected maritime accidents involving safety
- 12 issues of concern to the Board.
- 13 f) Office of Surface Transportation Safety. – The Office of Surface Transportation Safety
- 14 shall have the following functions:
- 15 1) Conduct investigations of highway, railroad, pipeline and hazardous materials
- 16 accidents within the Board’s jurisdiction;
- 17 2) Prepare reports for submission to the Board and release to the public stating the
- 18 facts and circumstances of such accidents, including a recommendation as to the
- 19 proximate cause or causes;
- 20 3) Determine the proximate cause(s) of accidents when delegated authority to do so
- 21 by the Board;
- 22 4) Initiate safety recommendations to prevent future surface transportation accidents;
- 23 and
- 24 5) Conduct special investigations into selected surface transportation accidents.
- 25 g) Office of Safety Standards. – The Office of Safety Standards shall have the following
- 26 functions:
- 27 1) Prescribe safety standards in all transportation systems in accordance with existing
- 28 laws, rules, regulations and international treaties and conventions;
- 29 2) Establish and update the transportation safety standards through continuing
- 30 research and in-depth studies;
- 31 3) Oversee the implementation of the Board’s safety recommendations program.
- 32 h) Office of Research and Engineering. – The Office of Research and Engineering shall have
- 33 the following functions:
- 34 1) Provide technical advice and services;
- 35 2) Conduct research and carry out analytical studies and tests on all aspects of the
- 36 Board’s accident investigation, accident prevention and safety promotion activities;
- 37 3) Conduct safety studies on specific safety issues;
- 38 4) Perform statistical analyses of transportation accident and incident data;

1 5) Maintain archival records of the Board's accident investigation and safety promotion
2 activities and support public access to these records; and

3 6) Support the Board's data processing, computing and information management
4 requirements.

5 i) Administration Office. – The Administration Office shall be responsible for the custody and
6 control of all Board records required to be preserved and kept. It shall provide
7 administrative support to the Board in the following areas:

8 (1) Budget;

9 (2) Accounting and audit;

10 (3) Personnel, training and payroll;

11 (4) Information management and automatic data processing;

12 (5) Property, space, communications, facilities and transportation management;

13 (6) Printing, publications, mail, procurement, contracting, and accident inquiry
14 services.

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

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

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

26 (a) Investigate or cause to be investigated, in such detail as it shall prescribe, and determine,
27 the facts, conditions, and circumstances and the cause or proximate cause or causes of
28 any:

29 1) Aircraft accident within the scope of Section 42, Republic Act No. 9497, otherwise
30 known as the Civil Aviation Authority Act of the Philippines;

31 2) Highway accident, including any railroad grade crossing accident that it selects;

32 3) Railway accident in which there is a fatality, substantial property damage, or which
33 involves a passenger train;

34 4) Pipeline accident in which there is a fatality or substantial property damage;

35 5) Major marine casualties and marine accidents, except those involving only vessels used
36 by the Armed Forces of the Philippines, occurring on the navigable waters or territorial
37 seas of the Philippines, government or government-owned vessels not used for
38 commercial purposes, or involving a vessel of the Philippines, in accordance with the
39 regulations to be prescribed jointly by the Board and the Secretary of Transportation

1 and Communications in which the Coast Guard is operating. Any marine accident
2 involving a public vessel and any other vessel shall be investigated and the facts,
3 conditions, and circumstances, and the cause or proximate cause determined and made
4 available to the public by either the Board or the Secretary of Transportation; and

- 5 6) Other accident which occurs in connection with transportation of people or property,
6 equipment or hazardous materials which, in the judgment of the Board, is catastrophic,
7 involves problems of a recurring character, or would otherwise carry out the policy of
8 the State as stated in Section 2 of this Act.

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

13 The Board shall be the primary government body to conduct accident investigations
14 under its jurisdiction. Other agencies mandated to investigate concurrently such
15 accidents, shall coordinate with the Board in the performance of its functions. In
16 addition, the other agencies shall give full support to the actions and policies dictated
17 by the Board during the conduct of such investigations.

- 18 (b) Prepare a written report on the facts, conditions, and circumstances of each accident
19 investigated pursuant to paragraph (a) of this section and cause such reports to be made
20 available to the public at reasonable cost, and notice of the issuance and availability of
21 such reports to be published in the Official Gazette.
- 22 (c) Submit periodic reports to Congress and government agencies concerned with
23 transportation safety, recommending and advocating meaningful responses to reduce
24 the likelihood of recurrence of transportation accidents similar to those investigated by
25 the Board and proposing corrective steps to make the transportation of persons as safe
26 and free from risk of injury as is possible, including steps to minimize human injuries
27 from transportation activities.
- 28 (d) Recommend transportation safety measures to national agencies and private organizations to
29 reduce the likelihood of recurrences of transportation accidents;
- 30 (e) Initiate and conduct special studies and investigations on matters pertaining to safety in
31 transportation including human injury and its avoidance.
- 32 (f) Assess and reassess techniques and methods of accident investigation, and prepare and
33 publish from time to time recommended procedures for accident investigations such as
34 the Organizational Manual which shall be published within ninety (90) days, and the Accident
35 Investigation Manual within one hundred twenty (120) days, from the creation of the Board.
- 36 (g) Evaluate, assess the effectiveness, and publish the findings of the Board with respect to
37 the transportation safety consciousness and efficacy in preventing accidents of other
38 government agencies, as well as promote transportation safety consciousness in both
39 national and local government;

- (h) Evaluate the adequacy of safeguards and procedures concerning the transportation of hazardous materials and the performance of carriers and other government agencies charged with assuring the safe transportation of such materials;
- (i) Prepare and submit annual reports which shall include specific proposals for corrective legislation to the Department of Transportation and Communications, and to the appropriate committees of the Senate and House of Representatives;
- (j) Establish by regulation, requirements binding on persons reporting accidents subject to the Board's investigatory jurisdiction under this subsection; and
- (k) Gather, analyze and survey, and keep data and statistics on transportation accidents;

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

- (a) The Board, or upon authority of the Board, any member thereof, or any officer or employee duly designated by the Chairman, may conduct hearings, sit and act as such times and places, administer such oaths and require by *subpoena testificandum* or *subpoena duces tecum* the attendance and testimony of such witnesses and the production of such evidence as the Board or any member of designated officer may deem necessary. *Subpoenas* shall be issued under the signature of the Chairman, or the Vice-chairman, and may be served by any person designated by the Chairman.
- (b) Any officer or employee of the Board, upon presenting appropriate credentials and a written notice of inspection authority, is authorized to enter any property wherein a transportation accident has occurred, or wreckage in any such accident is located, and conduct all necessary measures for the proper conduct of investigation. Authorized personnel may inspect, at reasonable times, records, files, processes, controls and facilities relevant to the investigation of such accident. Each inspection shall commence and be completed with reasonable promptness and the results of such inspection made available to the public.
- (c) In case of contumacy or refusal to obey a subpoena, an order, or an inspection notice of the Board or any officer or duly designated employee thereof, by any person who resides, is found, or transacts business within the jurisdiction of the Philippines, may be cited for contempt.
- (d) The Board' is authorized to enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the functions and the duties of the Board under this Section, with any person or entity.
- (e) The Board is authorized to:
 - 1) Use, on a reimbursable basis or otherwise, when appropriate, available services, equipment, personnel and facilities of the Department of Transportation and Communication, the Department of National Defense, the Department of Public Works and Highways and other agencies and instrumentalities of the government in the conduct of its investigation;

- 2) Employ recognized experts and consultants on the accidents under investigation who shall be paid by compensation fixed by the Board: *Provided*, That no more than two consultants shall be appointed for each incident being investigated;
- 3) Enter into contracts with public or private non-profit entities for the conduct of studies related to any of its functions;
- 4) Establish such rules and regulations as may be necessary for the effective and efficient exercise of its powers and functions under this Act;
- 5) Furnish Congress, upon request or when necessary, copies of the Board's budget estimates, budget request, supplemental budget estimate, or other budget information, legislative recommendation, prepared testimony for Congressional hearings, or comments on legislation that were submitted to the Office of the President or the Department of Budget and Management. *Provided, however*, That no officer or agency of the Philippine government shall require the Board to submit its budget requests or estimates, legislative recommendations, prepared testimony for congressional hearings, or comments on legislation to any officer or agency of the National Government for approval, comments, or review, prior to submission to Congress of copies of such recommendations, testimony, or comments;
- 6) Designate any officer or employee of the Board to conduct an inquiry and to secure data on any matter pertaining to transportation safety, upon publication of notice of such inquiry in the Official Gazette, and may require, by special or general orders, from government agencies and persons engaged in the transportation of people or property in commerce to submit written reports and answers to such inquiries, requests, and questions as are propounded with respect to any matter pertinent to any function of the Board.
Such reports and answers shall be submitted to the Board within such reasonable period of time as the Board may determine, and copies thereof shall be made available for inspection by the public.
- 7) Delegate any of its powers and functions to the heads of the different offices enumerated in Section 6 hereof, to further facilitate the implementation of the provisions of this Act.

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

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

SEC. 12. Use of Reports in Actions and Damages. – No part of any report of the Board relating to any accident or the investigation thereof, shall be admitted as evidence or used in any 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 13. Seal. - The Board shall have a seal which shall be officially recognized.

SEC. 14. 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. 14. 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 15. 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

1 Regulations of the Republic Act No.9993, otherwise known as the Philippines Coast Guard Law
2 of 2009 and Section 42 of Republic Act No. 9497 are deemed modified, revoked or repealed
3 accordingly.

4 **SEC. 16. *Separability Clause.*** - If any section or provision of this Act shall be declared
5 unconstitutional or invalid, the other sections or provisions not affected thereby shall continue to
6 be in full force and effect.

7 **SEC. 17. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in the
8 Official Gazette or in at least two (2) newspapers of general circulation.

9 Approved,