

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1253

Introduced by HONORABLE LUIS RAYMUND F. VILLAFUERTE, JR.

EXPLANATORY NOTE

The World Health Organization' (WHO) Global status repo" on road safety 2015, reflecting information from 180 countries, indicates that the worldwide total number of road traffic deaths is around 1 25 million per year, with the highest road traffic fatality rates in low-income countries,

The WHO maintains that although road traffic injuries have been a leading cause of mortality for many years, most traffic crashes are both predictable and preventable The Philippines has yet to tap its large potential to mitigate future damage and save lives through proper study. regulation, management and technology development in transportation.

At present, there is no central statistical authority in the Philippines for transportation related accidents from which safety policies can be easily formulated .For example, land transportation accident data is available in the Philippines but with limited availability and obtainable from different sources,

This legislation, inspired by the policy measure by Senator Grace Poe, is submitted to create the National Transportation Safety Board (NTSB) in order to highlight safety as a very important aspect of transportation_ The NTSB is primarily tasked to handle transportation safety studies that are needed for the formulation or promulgation of safety improvement standards for the observance and implementation by the concerned government agencies and/or private entities.

As such, approval of this measure is earnestly sought.


LUIS RAYMUND F. VILLAFUERTE, JR.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1253

Introduced by HONORABLE LUIS RAYMUND F. VILLAFUERTE, JR.

**AN ACT PROMOTING COST-EFFECTIVE MEASURES FOR THE TRANSPORT
SECTOR AND COMMUTING PUBLIC, PROVIDING FOR THE CREATION OF A
NATIONAL TRANSPORTATION SAFETY BOARD, PRESCRIBING ITS POWERS
AND FUNCTIONS, AND APPROPRIATING FUNDS THEREFOR**

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

SECTION 1. Title — This Act shall be known as the *National Transportation Safety
Advisory Council of 2018_

SECTION 2. Declaration of Policy' — It is hereby declared the policy of the State to
promote safety in the transportation of people and goods through cast effective measures that
either prevent: remedy or mitigate accidents involving any mode of transport, including pipelines
and conveyors. Towards this end, the Government shall;

- (a) Support safety programs based on continuing and objective reviews of causes or
reasons for unsafe acts and conditions; and
- (b) Appraise and assess operating practices and regulations of government agencies
Involved in the transportation sector, insofar as they affect safety, and where
appropriate, shall initiate, coordinate, formulate or promulgate safety improvement
standards for the observance and implementation by the concerned government
agencies and/or private entities.

SECTION 3. Creation of the National Transportation Safety Board. —
Pursuant to the foregoing policy, there is hereby created a National Transportation Safety Board,
hereinafter referred to as the "Board", which shall be attached to the Department of
Transportation.

SECTION 4. Composition and Organization. —

- (a) The Board shall be composed of seven (7) full-time Members, headed by a Chairman.
who shall be appointed by the President of the Philippines. A Member of the Board
must be a natural born citizen at the time of his/her appointment, and must have at
least three (3) years of actual experience in the administration, operation and

management of a transport utility firm or regulatory agency in either air, land, sea or rail transportation and knowledgeable in accident reconstruction, safety engineering or transportation and traffic safety: Provided, That three (3) of the full-time members must come from the commuting public, including a representative from organizations advocating for road safety.

- (b) The Chairman shall have a term of five (5) years but may be renewed for a non-extendible period of one (1) year: Provided, That the term of the initial appointees shall be staggered such that the Chairman shall hold office for a term of five (5) years, the next three (3) members for three (3) years and the other three (3) members for two (2) years.
- (c) Upon the expiration of their respective terms, they shall continue to serve until their successor shall have been appointed and qualified. In case a member fails to complete his term, his successor shall only serve the unexpired portion of the term of his predecessor.
- (d) A member may be removed from office by the President for cause in accordance with the Civil Service rules and regulations.
- (e) The Chairman shall be the Chief Executive Officer of the Board. He shall exercise all the powers and discharge all functions of the Board. He shall have control over all personnel employed by the Board, including, the following:
 - 1. The appointment and supervision of personnel employed by the Board;
 - 2. The distribution of business among such personnel and among administrative units of the Board; and
 - 3. The use and expenditure of its funds,
- (f) The Board shall establish and maintain distinct appropriately staffed bureaus, division, or offices, to investigate and report on accidents involving each of the following modes of transportation:
 - 1. Aviation,
 - 2. Highway and motor vehicle;
 - 3. Pipeline, railroad, and tracked vehicle: and
 - 4. Marine transport carriers
- (g) The Board shall, in addition, establish and maintain such capabilities as may be needed to investigate and report on the safe transportation of hazardous and toxic materials.

SECTION 5. The Executive Director. _

- (a) The Board shall have an Executive Director who shall be appointed by the Chairman,
- (b) No person shall be appointed Executive Director unless he is at least thirty-five (35) years of age at the time of his/her appointment, a Member of the Philippine bar, and has practiced his/her profession for at least ten (10) years prior to the date of his/her

appointment. He/she must not have been a candidate for any elective position in the elections immediately preceding his/her appointment.

(c) The Executive Director shall

1. Be responsible for running the day to day operations of the Board,
2. Act as the custodian of the records, maps, profiles, reports, and other documents and papers filed in connection with any case or proceedings before the Board;
3. Be responsible for the effective implementation of the policies, rules, and directives promulgated by the Board; and
4. Coordinate and supervise the activities of the different operating units of the Board and shall perform such other functions as may be assigned to him/her by the Chairman and/or the Board.

SECTION 6. Compensation. —

- (a) The Chairman and the Members of the Board shall have the rank of a Department Undersecretary and Assistant Secretary, respectively. They shall receive the compensation and other emoluments corresponding to those of a Department Undersecretary and Assistant Secretary, respectively.
- (b) The Executive Director shall have the rank of Assistant Secretary and shall be entitled to compensation and other emoluments corresponding to those of an Assistant Secretary.
- (c) The Chairman, the Members of the Board, and the Executive Director shall be entitled to commutable representation and transportation allowances per month in the amount not exceeding the monthly salary of the lowest-paid regular employee of the Board.
- (d) The Board shall determine the schedule of salaries of the employee's subject to the compliance with the existing compensation law. Provided; That the Board shall determine and fix the compensation and fringe benefits of employees holding technical positions that are not common to the agencies of the government which shall be specified in the implementing Rules and Regulations.

SECTION 7. Duties and Powers of the Board. — The Board shall:

- (a) Initiate and conduct studies on matters pertaining to safety in transportation and avoiding injury to persons and damage to property,
- (b) Gather, analyses, maintain, and publish from time to time data and statistics on transportation accidents;
- (c) Prescribe requirements for persons and institutions regarding data gathering, reporting, the preservation, proper handling, conservation, and protection of evidence, records files, and/or specimens related to any accident,

- (d) Issue periodic reports to Congress, the President, and to make it available to government agencies and instrumentalities, and non-government organizations concerned with transportation safety upon request, including owners of public transportation carriers who may be concerned with the findings of the Board and to interested persons. Such reports shall contain proposals for corrective measures to make the transportation of persons as safe and free from the risk of injury as possible, including steps to minimize human injuries from transportation accident: Provided, the said reports shall be made public within sixty (60) days from its submission to the Congress or to the president, as the case may be.
- (e) The Board may require and shall be furnished a copy of reports by the officials concerned on any transportation related accident, The Board may order, if necessary, the autopsy, or require other tests of such persons as may be needed for the investigation of the accident:
- (f) The Board may call assistance of, and use any available services, equipment, facilities, of the Department of Justice (DOJ) Department of Transportation (DOTC), Philippine Coast Guard (PCG), Department of National Defense (DND), Department of Public Works and Highways (DPWH), Philippine National Police (PNP), and other agencies and instrumentalities of the government;
- (g) The Board may enter into such contract, leases, agreements and other transactions as may be necessary in the conduct of its functions and duties;
- (h) The Board may create advisory committees composed of qualified private citizens and government officials with whom the Board may consult in the implementation of its functions and duties, and to pay honoraria of these persons for meetings actually attended_ Whenever necessary, the Board may likewise appoint or retain the services of recognized expense as consultants on the accidents under investigation. Such consultants shall be paid compensation as fixed by the Board: Provided, That not more than three (3) consultants shall be appointed for each accident being investigated Provided, further, That no officer, external auditor, or legal counsel of any investigated: Provided, further, That no officer, external auditor, or legal counsel of any private company or enterprise primarily engaged in the transportation industry shall be eligible for appointment as a consultant of the Board within three (3) years from his retirement, resignation, or separation therefrom;
- (i) Appoint advisory committees composed of qualified private citizens and officials of the national government and LGUs as appropriate:
- (j) Any law to the contrary notwithstanding, accept voluntary and uncompensated services.
- (k) Accept donations and gifts of money and other property,
- (l) Enter into contacts with non-profit entities to carry out studies related to the duties and powers of the Board for its operating expenses;
- (m) The Chairman of the Board may determine the number of committees that are appropriate to maintain effective liaison with other departments, agencies and instrumentalities of the national government and LGUs, non-government organizations, and independent standard-setting authorities that carry out program and activities related to transportation safety. The Board shall designate representative to serve in the committees,
- (n) The Board or any officer, or employee designated by the Chairman, may conduct an inquiry to obtain information related to transportation safety, and

- (o) The Board, or its designated officer or employee, may require by order, a department, agency, or instrumentality of the national government, LGI_J. or a person, natural or juridical, which transports persons or goods, to submit to the Board a written report and answers to request and questions pursuant to the powers of the Board under this Act. The Board shall prescribe the time within which the reports and the answers thereto must be submitted to its designated officer or employee. Copies of the report and the answers thereto shall be made public within sixty (60) days from submission to the Board.

SECTION 9. Relationship with Other Government Agencies. —

- (a) Nothing in this Act shall deprive other government agencies from performing their initial functions, including the investigation of accidents or making inquiries thereon, when those functions exist prior to the effectivity of this Act: Provided, That the Board, at its discretion, may require the submission of the records, findings, and recommendations of the investigation or inquiry,
- (b) The PNP or any other law enforcement agency shall continue to investigate and record accidents involving motor vehicles and/or pedestrians for this purpose, the Board shall prescribe a uniform and standard operation system for investigation of such accidents, which shall be mandatory on the part of the investigating body or person,
- (c) The Board may require the submission of the records, findings, and/or recommendations of previous accidents and/or investigations of such accidents, from any government agency. For this purpose, the agency concerned shall transmit to the Board, within fifteen (15) days from receipt thereof, said records, findings, and/or recommendations; and
- (d) [In the exercise of its powers, the Board shall take into consideration the provisions of any treaty entered into by the Republic of the Philippines with other countries relative to the investigation of accidents over which the Board assumed jurisdiction.

SECTION 10. Disclosure, Availability, and use of Information.

- (a) Except as provided in this section, any copy of record, information or report of investigation submitted to the Board shall be made available to the public upon request and at reasonable cost,
- (b) The Board shall not make the records available for purpose other than accident or incident investigation, unless the appropriate authority for the administration of justice determines that their disclosure outweighs the adverse domestic and international impact,
- (c) The Board shall not disclose any information related to a trade secret except;
1. To another department, agency, or instrumentality of the national government, when requested for official use;
 2. To a committee of Congress having jurisdiction over the subject matter to which the investigation is related, when requested by that committee;
 3. In a judicial proceeding under a court order that preserves the confidentiality of the information without impairing the proceeding: and

4. To the public: Provided, that such disclosure shall be for the protection of public health and safety; Provided, further, that the information so disclosed will not be detrimental to public health and safety: Provided final, that the disclosure shall be made in a manner designed to protect and preserve its confidentiality:
- (d) he Board shall not publicly disclose any part of a cockpit voice recording or transcript of oral communications by and between flight crew Members and ground station related to an accident or incident Investigated by the Board: Provided, That the Board shall make public any part of transcript the Board decides is relevant to the said accident incident:
- 1 _ When the Board holds a public hearing on the accident or incident; or
 2. When the Board makes public its findings relative to the said accident or incident
- (e) Any law to the contrary notwithstanding. the head of the concerned agency shall, upon order or written request by the Board. provide the following information to the board:
1. Any report or a confirmed positive toxicological test, verified as positive by the medico-legal officer of the National Bureau of Investigation (NBI), conducted on an officer or employee of the concerned agency under post-accident, unsafe practice, or reasonable toxicological requirements of the concerned with the circumstances of an accident or incident under the investigative jurisdiction of the Board, and
 2. Any laboratory record documenting that the test is confirmed as positive.
- (f) Except as provided in Section 10 (b) of this Act, the Board shall maintain the confidentiality of, and exempt from disclosure:
- 1, Laboratory records provided to the board shall maintain the confidentiality of, and exempt from disclosure; and
 2. Medical information related to the test or a review of the test voluntarily provided to the Board by the tested officer or employee.
- (g) The Board may use a laboratory record made available to it under this Act to develop an evidentiary record in its investigation of an accident or incident if;
1. The fitness of the tested officer or employee is at issue in the investigation, and
 2. The use of that record IS necessary to develop the evidentiary record.

SECTION 11. Appropriations. — The sum of Fifty Million Pesos (P 000.00) is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, for the initial organization and operations of the Board. Thereafter, such sums, as may be necessary for the operations of the Board, shall be included in the annual General Appropriations Act,

SECTION 12. Annual Report — The Board shall submit to the President and Congress an annual report at the end of every calendar year containing, among others:

- (a) Statistical and analytical information of accident or incident investigations conducted and reviewed by the Board during the preceding year;

- (b) A survey and summary of the recommendations made by the Board to reduce the likelihood of the recurrence of those accidents, together with the observed response to each recommendation; and
- (c) The uses of, disbursement form, and receipt to the Fund created in accordance with this Act.

SECTION 13. Implementing Rules and Regulations. — Within sixty (60) days from the effectivity of this Act, the Board, In consultation with the DOJ DOTC PCG, DND, DPVWH, PNP, and NBI, Shall promulgate the implementing Rules and Regulations (IRR) for the effective [implementation of this Act. The IRR shall provide procedures geared towards streamlined processes and swift justice by observing timeline or deadline in rendering decisions and issuances, plain writing or easy-to understand instructions, and over-all improvement of the industry.

SECTION 14. Separability Clause. — If, for any reason, any provisions of this Act is declared invalid or unconstitutional, the other part or parts thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 15. Repealing Clause. — All laws, decrees: executive orders, Issuances or rules and regulations, or portions thereof, that are inconsistent with this Act or any provision or provisions, thereof, are repealed or modified accordingly.

SECTION 16. Effectivity. - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved.