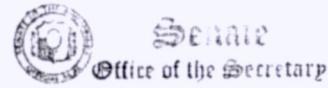


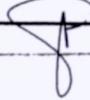
EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE
S. No. 651



'19 JUL 22 P1:58

Introduced by SENATOR RAMON BONG REVILLA, JR.

RECEIVED BY: 

**AN ACT
CREATING A NATIONAL TRANSPORTATION SAFETY BOARD, APPROPRIATING
FUNDS THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

It is a disturbing fact that disasters have remained a constant problem in the transportation industry, be it air, land, or sea. Needless to say, these tragedies cause so much unnecessary loss of lives and damage to properties.¹

When transportation accidents happen, investigations are normally undertaken by the very same government agencies that may have been remiss in their duties in the first place. To address this problem and advance transportation safety consciousness, there is an urgent need to create the National Transportation and Safety Board (NSTB) which shall be an independent and non-regulatory agency to ensure 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 investigation of major 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 continuous review, appraisal, and assessment of the operating practices and regulations of all such

¹ This bill was originally filed by Hon. Rufino B. Biazon during the Thirteenth Congress, First Regular Session, and subsequently refiled jointly by the Committees on Public Services; Civil Service, Government Reorganization and Professional Regulation; Education, Arts, and Culture; and Finance with Senators Poe, Ejercito, Pimentel, De Lima, Sotto, Escudero and Legarda as authors thereof during the Seventeenth Congress, Second Regular Session.

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

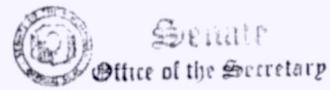
In view of the foregoing, passage of this bill is earnestly sought.


RAMON BONG REVILLA, JR.

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S. No. 651



19 JUL 22 P1 58

Introduced by SENATOR RAMON BONG REVILLA, JR.

RECEIVED BY [Signature]

AN ACT

CREATING A NATIONAL TRANSPORTATION SAFETY BOARD, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

1 Section 1. *Short Title.* - This Act shall be known as the "National Transportation
2 Safety Board Act."

3 Sec. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to
4 promote safety in the transportation of people and goods through cost-effective measures
5 that either prevent, remedy or mitigate crashes, accidents and serious incidents involving
6 any mode of transport, including pipelines and conveyors. Towards this end, the
7 Government shall:

- 8 (a) Conduct independent investigations on transportation accidents and incidents;
- 9 (b) Support safety programs based on continuing and objective reviews of causes
10 or reasons for unsafe acts and conditions; and
- 11 (c) Appraise and assess operating practices and regulations of government
12 agencies involved in the transportation sector, insofar as they affect safety, and
13 where appropriate, shall initiate, coordinate, formulate or promulgate safety
14 improvement standards for the observance and implementation by the concerned
15 government agencies and/or private entities.

16

1 Sec. 3. *Creation of the National Transportation Safety Board.* - There is hereby
2 created a National Transportation Safety Board, hereinafter referred to as the "Board"
3 which shall be attached to the Office of the President.

4 Sec. 4. *Composition and Organization.* -

5
6 (a) The Board shall be composed of seven (7) full-time Members, headed by a
7 Chairman. The Chairman and all six (6) Members of the Board, shall be appointed
8 by the Presidents and must:

- 9 a. Be a Filipino citizen at the time of his/her appointment;
- 10 b. Have at least three (3) years of actual experience in the administration,
11 operation and management of a transport utility firm or regulatory agency
12 in transportation; and
- 13 c. Be knowledgeable in crash and incident reconstruction, safety agency and
14 transportation and traffic safety.

15 *Provided*, that each transportation sector—land, rail, air, and sea—shall be
16 represented by one Board Member each; *Provided, further*, that two (2) of the
17 full-time Members must come from the commuting public, including
18 organizations advocating for road safety.

19 (b) The Chairman shall have a term of five (5) years but may be renewed for a
20 non-extendible period of one (1) year, *Provided*, that the term of the initial
21 appointees shall be staggered, such that three (3) Members shall hold office for
22 three (3) years and the other three (3) Members for two (2) years.

23 (c) Upon the expiration of their respective terms, the Members shall continue to
24 serve until their successor is appointed and qualified. In case a Member fails to
25 complete his term, his successor shall only serve the unexpired portion of the term
26 of his predecessor.

27 (d) A Member may be removed from office by the President for cause in
28 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 exercise 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 any administrative units of the Board, and
 3. The use and expenditure of the funds of the Board.

(f) The Board shall establish and maintain appropriately staffed bureaus, division, or offices, to investigate and report on crashed, accidents, and serious incidents involving each of the following modes of transportation.

1. Aviation;
 2. Motor vehicles;
 3. Railroads and tracked vehicles;
 4. Pipelines, and
 5. 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.

Sec. 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 appointment, and a member of the Philippine bar, who has practiced his profession for at least ten (10) years prior to the date of his appointment. He also must not have been a candidate for any elective position in the elections immediately preceding his appointment.

(c) The Executive Director shall:

1. Record and officially report on the proceedings of the Board;
 2. Having authority to administer oaths in all matters falling within the jurisdiction of the Board;

- 1 3. Be responsible for running the day-to-day operation of the Board;
- 2 4. Act as the custodian of the records, maps, profiles, reports, and other
- 3 documents and pers filed in connection with any case or proceeding before
- 4 the Board;
- 5 5. Be responsible for the effective implementation of the policies, rules, and
- 6 directives promulgated by the Board.

7 Sec. 6. *Compensation.* –

- 8 (a) The Chairman and the Members of the Board shall have the rank of Department
- 9 Secretary and Undersecretary, respectively. The shall receive the compensation
- 10 and other emoluments corresponding to those of a Department Secretary and
- 11 Undersecretary, respectively.
- 12 (b) The Executive Director shall have the rank of the Assistant Secretary and shall
- 13 be entitled to compensation and other emoluments corresponding to those of
- 14 an Assistant Secretary.
- 15 (c) The Chairman, the Members of the Board, and the Executive Director shall be
- 16 entitled to commutable representation and transportation allowances per
- 17 month in the amount not exceedingly the monthly salary of the lowest-paid
- 18 regular employee of the Board.
- 19 (d) The Board shall determine the schedule of salaries of the lowest employees
- 20 subject to the compliance with the existing compensation law. *Provided*, that
- 21 the Board shall determine and fix the compensation and fringe benefits of
- 22 employed holding technical positions that are not common to the agencies of
- 23 the government which shall be specified in the implementing Rules and
- 24 Regulations.

25 Sec. 7. *Duties and Functions of the Board.* – The Board shall:

- 26 (a) Investigate or cause to be investigated and determine the facts, conditions,
- 27 circumstances, and cause of any of the following:
 - 28 1. Aircraft accidents and serious incidents, except those involving State
 - 29 aircrafts, in accordance with ANNEX 13 of the International Civil
 - 30 Aviation Organization regulations;

2. Motor vehicle crashes, including railroad grade crossing incidents;
3. Railroad incidents and accidents in which there is fatality, substantial property damage, or which involve a passenger train;
4. Pipeline incident, in which there is fatality or substantial property damage;
5. Major maritime transportation accidents or incidents occurring within Philippine maritime jurisdiction, except those involving naval vessels or foreign-owned warships: *Provided*, that the Board may aid in any investigation concerning such exempted vehicles if it has secured prior consent from the proper government agency; and
6. Other serious incidents involving the transportation of people and property, which, in the judgement of the Board, are catastrophic and of a recurring character.

- (b) Report in writing to Congress and the President of the facts, conditions, and circumstances of each incident investigated pursuant to Section 7 (a) of this Act, and make such report available to the public within sixty (60) days from the completion of the Board's investigation, except in certain cases enumerated in Section 12 of this Act;
- (c) Initiate and conduct special studies and investigation on matters pertaining to safety in transportation and avoiding injury to persons and damage to property;
- (d) Gather, analyze, maintain, and publish from time to time data and statistics on transportation crashes, accidents, and incidents;
- (e) Prescribe requirements for persons or agencies reporting transportation incidents, in accordance with their own mandates, except those which involve military vessels or aircrafts;
- (f) Persons such other functions as may be necessary to effectively implement the objectives and provisions of this Act.

Sec. 8. *Powers of the Board.* –

- (a) The Board or any Member so designated may conduct hearings, administer oaths, and require the attendance and testimony of witnesses and the

1 production of papers, contracts, agreements and all other relevant documents
2 deemed necessary in any inquiry or investigation pending before the Board.

3 (b) Any representative authorized by the Board, upon presenting appropriate
4 credentials, may enter any property wherein a transportation incident has
5 occurred or wreckage from such incident is located in order to investigate such
6 incident. The representative may inspect at reasonable times, records, files,
7 processes, controls, and facilities relevant to the investigation of such incidents.
8 Each inspection shall be commenced and completed with reasonable
9 promptness.

10 (c) In investigating aircraft accidents or serious incidents, the Board may inspect
11 and test, to the extent necessary, any civil aircraft engine, equipment,
12 propeller, appliance, or property on an aircraft involved in an accident or
13 serious incident in air commerce: *Provided, however,* that any civil aircraft
14 engine, equipment, propeller, appliance, or property on an aircraft involved in
15 air commerce shall be preserved, and may be moved, only as prescribed by
16 regulations promulgated by the Board;

17 (d) An officer or employee of the Board may examine or test any motor vehicle,
18 vessel, rolling stock, track, or pipeline component involved in an accident or
19 incident. Such examination or test shall be conducted in a manner that;

- 20 1. Does not unnecessarily, interfere with the transportation services
21 provided by the owner or operator of the motor vehicle, vessel,
22 rolling stock, or pipeline component; and
- 23 2. To the maximum extent feasible, preserves evidence related to the
24 accident, consistent with the needs of the investigation.

25 (e) The Board shall have the sole discretion to:

- 26 1. Decide the manner of inspection and examination of evidence
27 pursuant to this Act;
- 28 2. Identify the person or persons who or entity that will conduct the
29 inspection, examination or test; and
- 30 3. Identify the type of examination or test to be conducted;

1
2 *Provided*, that a representative from concerned government
3 agencies shall be present during the inspection, examination, or test
4 conducted pursuant to this Act; *Provided, further*, that all
5 examinations and tests shall be properly documented by
6 photographs and videos.

- 7
- 8 (f) The Board may use a laboratory record made available to it under this Act to
9 develop an evidentiary record in its investigation of an accident or incident if:
- 10 a. The fitness of the tested officer or employee is at issue in the
11 investigation; and
- 12 b. The use of that record is necessary to develop the evidentiary record.
- 13 (g) The Board may require and shall be furnished a copy of the autopsy reports by
14 the official concerned on any person who died as a result of having been
15 involved in a transportation accident. The Board may order, if necessary, the
16 autopsy of such other deceased, or require tests on such other person or
17 persons as may be needed for the investigation of the accident;
- 18 (h) The board may enter into such contracts, leases, agreements and other
19 transactions as may be necessary in the conduct of its functions and duties;
- 20 (i) The Board may call the assistance, and use any available services, equipment,
21 and facilities of the Department of Justice (DOJ), Department of Transportation
22 (DOTr), Philippine Coast Guard (PCG), Department of National Defense (DND),
23 Department of Health (DOH), Metropolitan Manila Development Authority
24 (MMDA), Department of Public Works and Highways (DPWH), Philippine
25 National Police (PNP), National Bureau of Investigation (NBI), Local
26 Government Units (LGUs), and other agencies and instrumentalities of the
27 government;
- 28 (j) The Board may create advisory committees composed of qualified private
29 citizens and government officials with whom the Board may consult in the
30 implementation of its functions and duties and to pay honoraria of these

1 persons for meetings actually attended. Whenever necessary, the Board may
2 likewise appoint or retain the services of recognized experts as consultants on
3 the incidents under investigation. Such consultants shall be paid compensation
4 as fixed by the Board; *provided*, that no more than three (3) consultants shall
5 be appointed for each incident being investigated; *Provided, further*, that no
6 officer, external auditor, or legal counsel of any private company or enterprise
7 primarily engaged in the transportation industry shall be eligible for
8 appointment as a consultant of the Board;

- 9 (k) Any law to the contrary notwithstanding, the Board may accept voluntary and
10 uncompensated services;
- 11 (l) The Chairman of the Board may determine the number of committees that are
12 appropriate to maintain effective liaison with other departments, agencies and
13 instrumentalities of the national government and LGUs, non-government
14 organizations, and independent standard-setting authorities that carry out
15 programs and activities related to transportation safety. The Board shall
16 designate representatives to serve in the committees;
- 17 (m) The Board or any officer or employee designated by the Chairman, may
18 conduct an inquiry to obtain information related to transportation safety;
- 19 (n) The Board may require the submission of records, findings, and/or
20 recommendations of previous incidents and/or investigations of such incidents,
21 from any government agency. For this purpose, the agency concerned shall
22 transmit to the Board, within fifteen (15) days from receipt thereof, said
23 records, findings, and/or recommendations; and
- 24 (o) The Board, or its designated officer or employee, may issue Orders requiring a
25 department; agency or instrumentality of the national government; LGU; or a
26 person, natural or juridical, which transports persons or goods; submit to the
27 Board written answers or reports pertaining to questions the Board may
28 propound in line with its current investigations. The Board shall prescribe a
29 reasonable time within which the reports and the answers thereto must be
30 submitted to its designated officer or employee.

1 Sec. 9. *Consideration of International Law.* – In the exercise of its powers, the
2 Board shall take into consideration and abide by the provisions of any treaty entered into
3 by the Republic of the Philippines with other countries relative to the investigation of
4 accidents over which the Board assumes jurisdiction.

5 Sec. 10. *Use of Reports as Evidence.* – No part of any report or reports of the
6 Board relating to any accident or incident, or investigation thereof, shall be admitted as
7 evidence or used in any suit or action for damages arising out of any matter mentioned
8 in such reports, except when the criminal aspect of the accident or incident is put into
9 issue.

10 Sec. 11. *Relationship with Other Government Agencies.* –

11 (a) The Board shall have original jurisdiction over incidents enumerated in Section
12 7 (a) of this Act; however, nothing in this Act shall deprive other government
13 agencies from performing their intrinsic and mandated functions, including the
14 investigation of accidents or making inquiries thereon, when those functions
15 exist prior to the effectivity of this Act; *Provided*, however, that the Board, at
16 its discretion, may require the submission of the records, findings, and
17 recommendations of the investigation or inquiry, pursuant to its power under
18 Section 8 of this Act;

19 (b) The PNP and other law enforcement agencies shall continue to investigate and
20 record incidents involving motor vehicles and/or pedestrians in accordance to
21 their operational procedures or protocols; and

22 (c) Any law to the contrary notwithstanding, the head of the concerned agency
23 shall, upon order or written request by the Board, provide the following
24 information to the Board;

25 1. Any report or a confirmed positive toxicological test, verified as positive by
26 the medico-legal officer of the PNP or the NBI, conducted on an officer or
27 employee of the concerned agency under post-accident, unsafe practice, or
28 reasonable toxicological requirements of the concerned with the
29 circumstances of an accident or incident under investigative jurisdiction of
30 the Board; and

1 2. Any laboratory record documenting that the test is confirmed positive.

2 *Sec. 12. Disclosure, Availability, and Use of Information. –*

3
4 (a) Except as provided in this Section, any record, information, or investigative
5 report submitted to the Board shall be made available to the public upon
6 request and at reasonable cost, unless the Board or the Department of Justice
7 prohibits such disclosure due to possible adverse domestic or international
8 impact;

9 (b) The Board shall not disclose any information related to a trade secret except:

- 10 1. To another department, agency, or instrumentality of the national
11 government when requested for official use;
12 2. To a committee of Congress having jurisdiction over that subject matter to
13 which the investigation is related, when requested by that committee; and
14 3. To the public; *Provided*, that such disclosure shall be for the protection of
15 public health and safety; *Provided, further*, that the information disclosed
16 will not be detrimental to public health and safety; *Provided, finally*, that
17 the disclosure shall be made in a manner designed to protect and preserve
18 its confidentiality:

19 (c) The Board shall not publicly disclose any part of a CCTV footage or voice
20 recording or transcript of oral communications relating to an incident being
21 investigated by the Board: *Provided*, however, that this provision shall not
22 apply:

23 (d) Except as provided in Section 12 (b) of this Act, the Board shall maintain the
24 confidentiality of, and exempt from disclosure:

- 25 1. Military secrets and findings used in the report, unless authorized by
26 the DND to do so;
27 2. Laboratory records provided to the Board;
28 3. Medical information related to the test or a review of the test
29 voluntarily provided to the Board by the tested officer or employee.

30 *Sec. 13. Transportation Safety Fund. –*

1
2 (a) There is hereby created a Transportation Safety Fund ("Fund") from the
3 Board's savings from its annual operating expense, which shall be deposited in
4 a special trust fund administered by the Board.

5 (b) Subject to the usual accounting and auditing rules and regulations, the Fund
6 shall be used exclusively for the following purposes:

- 7 1. Operational expenses in investigating major accidents;
- 8 2. Studies and research in the causes and possible prevention of
9 accidents and other disasters, as provided in this act;
- 10 3. Reimbursement of extraordinary expenditures and expenses of
11 government and private agencies and/or persons mobilized by the
12 Board in investigating major accidents; and
- 13 4. Training and related conferences to further enhance the expertise of
14 the officers and employees of the Board under the provisions of this
15 Act.

16 Sec. 14. *Annual Report.* – The Board shall submit to the President and Congress
17 an annual report at the end of every calendar year containing, among others:

- 18 (a) Statistical and analytical information of accident or incident investigations
19 conducted and reviewed by the Board during the preceding year;
- 20 (b) A survey and summary of the recommendations made by the Board to reduce
21 the likelihood of the recurrence of those accidents, together with the observed
22 response to each recommendation;
- 23 (c) A detailed appraisal of each accident investigation and accident prevention
24 activity of other departments, agencies, other instrumentalities of the national
25 government and the LGUs.

26 Sec. 15. *Appropriations.* – The sum of Fifty Million Pesos (Php50,000,000.00) is
27 hereby appropriated out of any funds in the National Treasury not otherwise
28 appropriated, for the initial organization and operations of the Board. Thereafter, such
29 sums, as may be necessary for the operations of the Board, shall be included in the
30 annual General Appropriations Act.

1
2 Sec. 16. *Implementing Rules and Regulations.* – Within sixty (60) days from the
3 effectivity of this Act, the Board, in consultation with the DOJ, DOTr, Philippine Coast
4 Guard, DND, DOH, MMDA, Civil Aviation Authority of the Philippines, Maritime Industry
5 Authority, DPWH, PNP, and NBI, shall promulgate the implementing Rules and
6 Regulations (IRR) for the effective implementation of this Act. The IRR shall provide
7 procedures geared towards streamlined processes and swift justice by observing timelines
8 or deadlines in rendering decisions and issuances, plain writing or easy-to-understand
9 instructions, and over-all improvement of the industry.

10 Sec. 17. *Separability Clause.* – If any part or provisions of this Act is declared
11 invalid or unconstitutional, the other parts not affected thereby shall remain valid.

12 Sec. 18. *Repealing Clause.* – All laws, decrees, executive orders, issuances, or rules
13 and regulations, or portions thereof, that are inconsistent with this Act or any provision
14 or provisions, thereof, are repealed or modified accordingly.

15 Sec. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after publication
16 in two (2) newspapers of general circulation.

17
18 *Approved,*