



SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

17 MAR -8 P 6:15

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S E N A T E

S.B. No. 1375

Introduced by Senator JOSEPH VICTOR G. EJERCITO

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

EXPLANATORY NOTE

In the Philippines, the creation of an independent government agency to promote transportation safety has come of age. It is always visualized that an agency would promote impartiality and vigor in the conduct of investigation for major accidents involving all types of public utility vehicles or vessels that are regulated by appraisal and assessment of the operating practices and regulations of all appropriate agencies. It is also envisioned to call for the making of conclusions and recommendations that may be critical or adverse to any agency and officials.

This bill seeks to create a National Transportation and Safety Board (NTSB), which shall be an independent and non-regulatory agency to ensure comprehensive and impartial investigations of transportation accidents. It shall primarily be responsible for the analysis, evaluation and prevention of accidents on air, marine and land transportation including railways and pipeline systems, for the effective promotion of riders' safety and prevent loss of life and property.

The mission of the Board is to engage in the investigation and determination of probable cause of transportation accidents, the issuance of safety recommendations and special studies directed at preventing recurrence

of accidents and evaluating the effectiveness of concern government agencies as well as their policies in preventing transportation accidents.

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



JOSEPH VICTOR G. EJERCITO



Senate

Office of the Secretary

SEVENTEENTH CONGRESS OF THE
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SENATE

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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 and cited as the
2 "National Transportation Safety Board Act of 2017."
3

4 **SEC. 2. Declaration of Policy.** - It is the policy of the State to prevent
5 accidents and save lives and property in transportation; promote safety in the
6 transportation of people, property and goods by conducting independent
7 accident investigations; by continuous and objective review, appraisal and
8 assessment of operating practices and regulations of government agencies
9 implementing transportation laws; and, by formulating and promulgating
10 safety improvement standards for observance and implementation, by said
11 agencies and concerned private sectors.
12

13 **SEC. 3. Creation.** - There is hereby created a National Transportation
14 Safety Board, a non-regulatory and independent agency hereinafter referred to
15 as the Board, to implement the foregoing policies of the State. For administrative
16 purposes, the Board shall be attached to the Office of the President.

1 **SEC. 4. Objectives.-** The Board shall have the following objectives:

- 2
- 3 (a) To prevent future accidents, save lives and reduce injuries and
4 property damages;
- 5
- 6 (b) To ensure that survivors and families of victims of transportation
7 accidents receive timely and compassionate assistance from the
8 operators, other government agencies and community service
9 organizations;
- 10
- 11 (c) To ensure implementation of safety standards in the transportation
12 industry and road safety, including road infrastructure, through a
13 continuous learning and, with a comprehensive research and
14 development process aim to strictly comply with the international
15 road safety standards; and
- 16
- 17 (d) To conduct thorough accident and incident investigations, determine
18 the probable causes, and publish accident reports and safety studies.
- 19

20 **SEC. 5. Structure and Organization.-** The Board shall be composed of
21 five (5) full-time members, including a Chairman and a Vice-Chairman.
22 All the members of the Board shall have extensive training and
23 experience in the respective field of our marine, air, overland and train
24 transportation systems, and each must have adequate knowledge in
25 investigation, analysis, and evaluation of transportation accidents,
26 particularly in the field of accident reconstruction, safety engineering, or
27 transportation safety.

28

29 Members of the Board shall be appointed by the President of the
30 Philippines for a term of (6) six years. Of those first appointed, two
31 members shall hold office for six (6) years, two members for four years
32 and the last member for two years. Appointment to any vacancy shall
33 only be for the unexpired term of the predecessor. In no case shall any
34 Member be appointed or designated in a temporary or acting capacity.
35 Any member of the Board may be removed by the President for
36 inefficiency, neglect of duty, malfeasance in office or any other legal
37 cause.

38

39 No member of the Board shall concurrently hold any other
40 government office or position, or be employed in any government-
41 owned or controlled corporation or entity or any private, business

1 enterprise whose interest may be in conflict with the Board's function
2 and duties.
3

4 The Chairman shall be the chief executive officer of the Board
5 Three (3) members of the Board shall constitute a quorum for the
6 transaction of any function of the Board.
7

8 The Board shall establish and maintain distinct and appropriate
9 staffed bureaus, divisions, or offices to investigate and report on
10 accidents involving each of the following modes of transportation: (a)
11 aviation; (b) maritime; and (c) overland including railroad and tracked
12 vehicles.
13

14 **SEC. 6. *Office of the Executive Director.***- The Board shall have an
15 Executive Director who shall be appointed by the President of the
16 Philippines upon recommendation of the Board. The Managing Director
17 shall have the following functions:
18

- 19 (1) Assist the Chairman in the discharge of his functions as
20 executive and administrative head of the Board;
21
- 22 (2) Coordinate and direct the activities of the staff and is
23 responsible for the day-to-day management of the affairs and
24 activities of the Board.
25
- 26 (3) Recommend and develop plans to achieve the Board's
27 objectives; and
28
- 29 (4) Provide secretariat services to the Board.
30

31 **SEC. 7. *Compensation.***- The salary of the Chairman and the members of
32 the Board shall be the same as those of the Chairman and Members of the
33 different Constitutional Commissions. The salary of the Chairman and
34 Members of the Board shall not be decreased during their tenure.
35

36 **SEC. 8. *Personnel.***- Subject to civil service laws, rules and regulations, the
37 Board is authorized to select, appoint, employ, and fix the compensation
38 of such officers and employees, including investigators and attorneys, as
39 shall be necessary to carry out its powers and duties.

1 **SEC. 9. Duties and Powers of the Board.-** The primary function of the
2 Board is to promote safety in transportation.
3

4 (A) Duties of the Board.- The Board shall:
5

6 (1) Investigate and determine the facts, conditions, and
7 circumstances and the cause or probable cause or causes of
8 any air, overland and maritime accidents.
9

10 Nothing herein shall prevent the Board from making further
11 inquiries on accidents already investigated by existing accident
12 investigating bodies.
13

14 Furthermore, the Board may require the submission of their
15 records, reports, findings and recommendation of past
16 investigation.
17

18 The Board shall be the primary government body to conduct
19 accident investigations under its jurisdiction. Other agencies
20 mandated to investigate concurrently such accidents shall
21 coordinate with the Board in the performance of its functions.
22 In addition, it shall give full support to the actions and policies
23 dictated by the Board during the conduct of such investigations.
24

25 (2) Report on the facts, conditions, and circumstances of each
26 accident investigated pursuant to paragraph (1) of this
27 subsection and cause such reports to be made available to
28 the public;
29

30 (3) Issue periodic reports to Congress and government agencies
31 concerned with transportation safety;
32

33 (4) Make transportation safety recommendations to national
34 agencies and private organizations to reduce the likelihood
35 of recurrences of transportation accidents;
36

37 (5) Initiate and conduct special studies and investigations on
38 matters pertaining to safety in transportation;
39

40 (6) Assess and evaluate techniques and methods of accident
41 investigation and prepare and publish from time to time
42 recommended procedures for accident investigations;

1

2 (7) Evaluate and publish the findings of the Board with respect
3 to the transportation safety consciousness and effectiveness
4 in preventing accidents of other government agencies, as
5 well as promote transportation safety consciousness in both
6 the national and local government;

7

8 (8) Evaluate the adequacy of safeguards and procedures
9 concerning the transportation of hazardous materials and
10 the performance of carriers and other government agencies
11 charged with assuring the safe transportation of such
12 materials;

13

14 (9) Prepare and submit annual reports which shall include
15 specific proposals for corrective legislation to the
16 Department of Transportation and Communications, with
17 copies simultaneously furnished to the appropriate
18 committees of the Senate and House of Representatives;

19

20 (B) Powers of the Board.-

21

22 (1) The Board may conduct such hearings, sit and act as such
23 times and places, administer oaths and subpoena such
24 witness (*ad testificandum*) or subpoena (*duces tecum*) the
25 production of such evidence as the Board or such officer
26 may deem necessary. Subpoenas shall be issued under the
27 signature of the Chairman and may be served by any person
28 designated by the Chairman.

29 (2) Any employee of the Board, upon presenting appropriate
30 credentials and a written notice of inspection authority, is
31 authorized to enter any property where a transportation
32 accident has occurred, or where wreckage is found, or where
33 any such accident is located, and do all things necessary for
34 the proper conduct of investigation. The employees may
35 inspect, at a reasonable time, records, files processes,
36 controls and facilities relevant to the investigations of such
37 accident. Each inspection shall commence and completed
38 with reasonable promptness and the results of such
39 inspection be made available to concerned parties.

40

(3) The Board shall have the power to cite for contempt any person in case of contumacy or refusal to obey a subpoena, an order, or an inspection notice of the Board or any duly designated employee thereof.

(4) 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 government entity or any person.

(5) The Board is authorized to:

(a) Use, on a reimbursable basis or otherwise, when appropriate, available services, equipment, personnel and facilities of the Department of Transportation, the Department of National Defense, the Department of Interior and Local Government, the Department of Public Works and Highways and other agencies and instrumentalities of the government in the conduct of its investigations.

(b) Employ recognized experts and consultants on the accidents under investigation whom shall be paid by compensation fixed by the Board: Provided, That no more than two consultants shall be appointed for each incident being investigated.

(c) Accept voluntary and uncompensated services notwithstanding any other provision of law; and

(d) Accept gifts or donations of money or property, whether real or personal

(6) Establish such rules and regulations as may be necessary to the exercise of its powers and functions under this Act

1 **SEC. 10. Seal.**- The Board shall have a seal which shall be officially
2 recognized.
3
4

5 **SEC. 11. Annual Report.**- The Board shall report to Congress on the
6 second week of August of each year. Such report shall include, but not
7 limited to-

- 8 (1) a statistical and analytical summary of the transportation
9 accident investigations conducted and reviewed by the Board
10 to reduce the likelihood of recurrence of such accidents together
11 with the observed response to each recommendation;
12
13 (2) a survey and summary, in such detail as the Board deems
14 advisable, of the recommendations made by the Board to
15 reduce the likelihood of recurrence of such accidents together
16 with the observed response to each recommendation;
17
18 (3) an appraisal in detail of the accident investigation and accident
19 prevention activities of other government agencies charged by
20 law with responsibility in this field; and
21
22 (4) a biennial appraisal and review and recommendations for
23 legislative and administrative action with respect to
24 transportation safety.
25
26

27 **SEC. 12. Appropriations.**- The Board shall have an initial appropriation
28 in the amount of Thirty Million Pesos (P 30,000,000.00) to finance its operation
29 for the first year to be appropriated out of the Contingent Fund of the Office of
30 the President and thereafter any such amount shall be incorporated in the
31 annual General Appropriations Act.
32

33 **SEC. 13. Separability Clause.**- Any portion or provision of this Act which
34 may be declared unconstitutional **shall not** have the effect of nullifying other
35 portions or provisions hereof, as long as such remaining portions or provisions
36 can still subsist and be given effect in their entirely.
37

38 **SEC. 14. Repealing Clause.**- All laws, decrees, orders, proclamation, rules
39 and regulations, or parts thereof, which are inconsistent with any of this Act are
40 hereby repealed, amended, or modified accordingly.
41

1 **SEC. 15. Effectivity.**- This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.
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4
5

6 *Approved,*