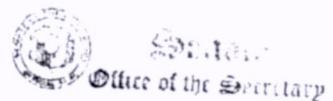


EIGHTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*First Regular Session* )



SENATE  
S. No. 1077

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Prepared by the Committees on Public Services; Civil Service, Government Reorganization and Professional Regulation; and Finance with Senators Grace Poe, Ramon "Bong" Revilla Jr. and Sonny Angara as authors thereof.

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**AN ACT**  
**CREATING A NATIONAL TRANSPORTATION SAFETY BOARD, PRESCRIBING**  
**ITS POWERS AND FUNCTIONS, AND APPROPRIATING FUNDS THEREOF**

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

1       **Section 1. 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  
4       to promote safety in the transportation of people and goods through cost-effective  
5       measures that either prevent, remedy or mitigate crashes, accidents and serious  
6       incidents involving any mode of transport, including pipelines and conveyors.  
7       Towards this end, the Government shall:

- 8           (a) Conduct independent investigations on transportation accidents and  
9           incidents;
- 10          (b) Support safety programs based on continuing and objective reviews of  
11           causes or reasons for unsafe acts and conditions; and
- 12          (c) Appraise and assess operating practices and operational regulations of  
13           government agencies involved in the transportation sector, insofar as they  
14           relate to safety measures, and when appropriate, shall initiate, coordinate,  
15           formulate and adopt additional safety standards consistent with  
16           international best practices for the observance and implementation by the  
17           concerned government agencies and/or private entities.

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

4           **Sec. 4. Composition and Organization. –**

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

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

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

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

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

29       (e) The Chairman shall be the Chief Executive Officer of the Board. He shall  
30       exercise all the powers and discharge all functions of the Board. He shall  
31       exercise control over all personnel employed by the Board, including the  
32       following:

- 1       1. The appointment and supervision of personnel employed by the Board;
- 2       2. The distribution of business among such personnel and among any
- 3            administrative units of the Board; and
- 4       3. The use and expenditure of the funds of the Board.

5       (f) The Board shall establish and maintain distinct appropriately staffed  
6            bureaus, division, or offices, to conduct research, investigate and report  
7            on crashes, accidents, and serious incidents involving each of the following  
8            modes of transportation:

- 9       1. Aviation;
- 10      2. Motor vehicles;
- 11      3. Railroads and tracked vehicles;
- 12      4. Pipelines, and
- 13      5. Marine transport carriers.

14      (g) The Board shall, in addition, establish and maintain such capabilities as  
15            may be needed to investigate and report on the safe transportation of  
16            hazardous and toxic materials.

17      **Sec. 5. *The Executive Director.* –**

18      (a) The Board shall have an Executive Director, who shall be appointed by the  
19            Chairman.

20      (b) No person shall be appointed Executive Director unless he is at least thirty  
21            five (35) years of age at the time of his appointment, a member of the  
22            Philippine bar, and who has practiced his profession for at least ten (10)  
23            years prior to the date of his appointment. He also must not have been a  
24            candidate for any elective position in the elections immediately preceding  
25            his appointment.

26      (c) The Executive Director shall:

- 27       1. Record and officially report on the proceedings of the Board;
- 28       2. Have authority to administer oaths in all matters falling within the  
29            jurisdiction of the Board;
- 30       3. Be responsible for running the day to day operation of the Board;

- 1       4. Act as the custodian of the records, maps, profiles, reports, and other
- 2            documents and papers filed in connection with any case or proceeding
- 3            before the Board;
- 4       5. Be responsible for the effective implementation of the policies, rules,
- 5            and directives promulgated by the Board;
- 6       6. Coordinate and supervise the activities of the different operating units
- 7            of the Board; and
- 8       7. Perform such other functions as may be assigned to him by the
- 9            Chairman and/or the Board.

10      **Sec. 6. Compensation. –**

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

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

- 29       (a) Investigate or cause to be investigated and determine the facts,
- 30            conditions, circumstances, and cause of any of the following:

- 1       1. Aircraft accidents and serious incidents, except those involving State
  - 2           aircrafts, in accordance with ANNEX 13 of the International Civil
  - 3           Aviation Organization regulations;
  - 4       2. Motor vehicle crashes, including railroad grade crossing incidents;
  - 5       3. Railroad incidents and accidents, including those involving passenger
  - 6           trains, which resulted to death, injury, or substantial damage to
  - 7           property;
  - 8       4. Pipeline incident, in which there is fatality or substantial property
  - 9           damage;
  - 10      5. Major maritime transportation and aerial accidents or incidents
  - 11           occurring within Philippine maritime jurisdiction, except those involving
  - 12           domestic and foreign military vessels and ships, occurring within the
  - 13           National territory of the Philippines: *Provided that*, the Board may aid
  - 14           in any investigation concerning such exempted vehicles if it has
  - 15           secured prior consent from the proper government agency; and
  - 16      6. Other serious incidents involving the transportation of people and
  - 17           property, which, in the judgement of the Board, are catastrophic and
  - 18           of a recurring character.
- (b) Report in writing to Congress and the President on 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) Perform 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 production of papers, contracts, agreements and all other relevant documents deemed necessary in any inquiry or investigation pending before the Board.
  - (b) Any representative authorized by the Board, upon presenting appropriate credentials, may enter any property wherein a transportation incident has occurred or wreckage from such incident is located in order to investigate such incident. The representative may inspect at reasonable times, records, files processes, controls, and facilities relevant to the investigation of such incidents. Each inspection shall be commenced and completed with reasonable promptness.
  - (c) In investigating aircraft accidents or serious incidents, the Board may inspect and test, to the extent necessary, any civil aircraft engine, equipment, propeller, appliance, or property on an aircraft involved in an accident or serious incident in air commerce: *Provided, however,* that any civil aircraft engine, equipment, propeller, appliance, or property on an aircraft involved in air commerce shall be preserved, and may be moved, only as prescribed by regulations promulgated by the Board;
  - (d) An officer or employee of the Board may examine or test any motor vehicle, vessel, rolling stock, track, or pipeline component involved in an accident or incident. Such examination or test shall be conducted in a manner that:
    1. Does not unnecessarily, interfere with the transportation services provided by the owner or operator of the motor vehicle, vessel, rolling stock, or pipeline component; and
    2. To the maximum extent feasible, preserves evidence related to the accident, consistent with the needs of the investigation.
  - (e) The Board shall have the sole discretion to:

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

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

10          (f) The Board may use a laboratory record made available to it under this Act  
11          to develop an evidentiary record in its investigation of an accident or  
12          incident if:

- 13           a. The fitness of the tested officer or employee is at issue in the  
14           investigation; and
- 15           b. The use of that record is necessary to develop the evidentiary  
16           record.

17          (g) The Board may require and shall be furnished a copy of the autopsy  
18          reports by the official concerned on any person who died as a result of  
19          having been involved in a transportation accident. The Board may order, if  
20          necessary, the autopsy of such other deceased, or require tests on such  
21          other person or persons as may be needed for the investigation of the  
22          accident;

23          (h) The Board may enter into such contracts, leases, agreements and other  
24          transactions as may be necessary in the conduct of its functions and  
25          duties;

26          (i) The Board may call the assistance, and use any available services,  
27          equipment, and facilities of the Department of Justice (DOJ), Department  
28          of Transportation (DOTr), Philippine Coast Guard (PCG), Department of  
29          National Defense (DND), Department of Health (DOH), Metropolitan  
30          Manila Development Authority (MMDA), Department of Public Works and  
31          Highways (DPWH), Philippine National Police (PNP), National Bureau of

1                   Investigation (NBI), Local Government Units (LGUs), and other agencies  
2                   and instrumentalities of the government;

3 (j) The Board may create advisory committees composed of qualified private  
4                   citizens and government officials with whom the Board may consult in the  
5                   implementation of its functions and duties and to pay honoraria of these  
6                   persons for meetings actually attended. Whenever necessary, the Board  
7                   may likewise appoint or retain the services of recognized experts as  
8                   consultants on the incidents under investigation. Such consultants shall be  
9                   paid compensation as fixed by the Board; *Provided*, that not more than  
10                  three (3) consultants shall be appointed for each incident being  
11                  investigated; *Provided, further*, that no officer, external auditor, or legal  
12                  counsel of any private company or enterprise primarily engaged in the  
13                  transportation industry shall be eligible for appointment as a consultant of  
14                  the Board;

15 (k) Any law to the contrary notwithstanding, the Board may accept voluntary  
16                  and uncompensated services;

17 (l) The Chairman of the Board may determine the number of committees that  
18                  are appropriate to maintain effective liaison with other departments,  
19                  agencies and instrumentalities of the national government and LGUs, non-  
20                  government organizations, and independent standard-setting authorities  
21                  that carry out programs and activities related to transportation safety. The  
22                  Board shall designate representatives to serve in the committees;

23 (m) The Board or any officer or employee designated by the Chairman,  
24                  may conduct an inquiry to obtain information related to transportation  
25                  safety;

26 (n) The Board may require the submission of records, findings, and/or  
27                  recommendations of previous incidents and/or investigations of such  
28                  incidents, from any government agency. For this purpose, the agency  
29                  concerned shall transmit to the Board, within fifteen (15) days from  
30                  receipt thereof, said records, findings, and/or recommendations; and

31 (o) The Board, or its designated officer or employee, may issue Orders  
32                  requiring a department; agency or instrumentality of the national

1 government; LGU; or a person, natural or juridical, which transports  
2 persons or goods; to submit to the Board written answers or reports  
3 pertaining to questions the Board may propound in line with its current  
4 investigations. The Board shall prescribe a reasonable time within which  
5 the reports and the answers thereto must be submitted to its designated  
6 officer or employee.

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

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

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

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

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

28       (c) Any law to the contrary notwithstanding, the head of the concerned  
29           agency shall, upon order or written request by the Board, provide the  
30           following information to the Board:

- 31       1. Any report or a confirmed positive toxicological test, verified as positive  
32           by the medico-legal officer of the PNP or the NBI, conducted on an

1                   officer or employee of the concerned agency under post-accident,  
2                   unsafe practice, or reasonable toxicological requirements of the  
3                   concerned with the circumstances of an accident or incident under the  
4                   investigative jurisdiction of the Board; and

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

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

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

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

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

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

- 28                  1. When the Board holds a public hearing on the accident or incident; or
- 29                  2. When the Board makes public its findings relative to the said accident  
30                  or incident.

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

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

### **Sec. 13. *Immunity from Suits.* —**

The member of the board and its employees shall have immunity from suit arising from the performance of its functions conducted in good faith, without fault and negligence, and without violation of any existing laws, rules and regulations during the pendency of its investigation of a transportation-related accident under its jurisdiction as provided under this Act.

**Sec. 14. *Transportation Safety Fund.* –**

- (a) There is hereby created a Transportation Safety Fund ("Fund") from the Board's savings from its annual operating expense, which shall be deposited in a special trust fund administered by the Board.
  - (b) Subject to the usual accounting and auditing rules and regulations, the Fund shall be used exclusively for the following purposes:
    1. Operational expenses in investigating major accidents;
    2. Studies and research in the causes and possible prevention of accidents and other disasters, as provided in this act;
    3. Reimbursement of extraordinary expenditures and expenses of government and private agencies and/or persons mobilized by the Board in investigating major accidents; and
    4. Training and related conferences to further and enhance the expertise of the officers and employees of the Board under the provisions of this Act.

**Sec. 15. *Annual Report.*** – The Board shall submit to the President and  
ess an annual report at the end of every calendar year containing, among

- (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;
  - (c) A detailed appraisal of each accident investigation and accident prevention activity of other departments, agencies, other instrumentalities of the national government and the LGUs.

**Sec. 16. Appropriations.** – The sum of Fifty Million Pesos (P 50,000,000.00) 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.

Sec. 17. **Implementing Rules and Regulations.** – Within sixty (60) days from the effectivity of this Act, the Board, in consultation with the DOJ, DOTR, Philippine Coast Guard, DND, DOH, MMDA, Civil Aviation Authority of the Philippines, Maritime Industry Authority, DPWH, 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 timelines or deadlines in rendering decisions and issuances, plain writing or easy-to-understand instructions, and over-all improvement of the industry.

21       **Sec. 18. Separability Clause.** – If any part or provision of this Act is  
22 declared invalid or unconstitutional, the other parts not affected thereby shall remain  
23 valid.

24       **Sec. 19. Repealing Clause.** – All laws, decrees, executive orders,  
25       issuances, or rules and regulations, or portions thereof, that are inconsistent with  
26       this Act or any provision or provisions, thereof, are repealed or modified accordingly.

27       **Sec. 20. Effectivity.** – This Act shall take effect fifteen (15) days after its  
28 publication in two (2) newspapers of general circulation.

29 *Approved,*