

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H. B. No. 475



Introduced by HONORABLE JUAN EDGARDO "SONNY" M. ANGARA

EXPLANATORY NOTE

The state is alarmed with the heightened threats of terrorism in transportation system and facilities in the light of the September 11, 2001 attacks on the U.S. Pentagon and the towers of the World Trade Center. Others also include the Madrid (Spain) brutal train bombing; the bus explosion in Northern Israel and numerous others in the international stage. These are also coupled in the domestic theatre by the Super Ferry Sinking; the LRT Rizal Day bombings and other unlawful, criminal and inhumane acts which resulted to tragic loss of human lives, damage to property and further global disruption in air, sea and land commerce operation as diminishing confidence in transportation systems and security measures heightened.

The takeover in 2003 of an air traffic control tower in NAIA by armed elements was a tragedy that could have been averted or prevented with unified security at NAIA.

These untoward incidents demonstrate the need for and require the State to adopt comprehensive security measures, install and implement security program throughout the country to prevent if not eradicate security threats to human lives and properties.

The State likewise recognizes the vital role of transportation in nation-building and the right of the citizenry to a well secured transportation system for their safety and well being. To achieve this ends, the State promotes the installation of transportation security measures whose standards and practices are internationally recognized and considered world class. This can be done through the installation of measures, programs, plans and activities that foster security and safety in all means and modes of public transportation.

The state must also bolster a system of coordination and cooperation among citizenry, the transportation sector and law enforcement, and public security and safety agencies.

The State must establish measures to prevent weapons, explosives or other dangerous person, elements, devices and cargoes which may be used to commit an act of unlawful interference, the carriage or bearing of which is not authorized, from being introduced by any means whatsoever, on board a transport system.

Various organizations of nations and international communities and economies like the United Nations, ASEAN, APEC and other regional organization of nations have been promoting and have place in operation inter modal transportation security system to be in full consistency and control over the safety and convenience of all inter-modal transport system.

The Philippines as a member of the international community of nations has been far-off, if not helplessly, lagging behind, in adopting and setting up security systems and effective security enforcement in a II ports, terminals and facilities over land, air and water nationwide. It is significantly beneficial to the Philippines that it is in full accord with other countries' minimum

safety and security requirements in public transportation by adopting internationally accepted standards and practices prescribed for transportation security.

Therefore, immediate passage of this bill is earnestly sought.


JUAN EDGARDO "SONNY" M. ANGARA
Representative
Lone District, Province of Aurora

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
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H. B. No. 475

Introduced by Honorable JUAN EDGARDO "SONNY" M. ANGARA

AN ACT
PROVIDING FOR A COMPREHENSIVE TRANSPORTATION SECURITY PROGRAM,
CREATING FOR THE PURPOSE THE PHILIPPINE TRANSPORTATION SECURITY
ADMINISTRATION (PTSA), DEFINING ITS POWERS AND FUNCTIONS, AND
APPROPRIATING FUNDS THEREFOR

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

Title I

General Provision

SECTION 1. *Short Title.* - This Act shall be known as the "*Philippine Transportation Security Act of 2010*".

SEC. 2. *Declaration of Policy.* - It is hereby declared to be the policy of the State to recognize the vital role of public transportation and commerce in nation building and in the promotion of international and domestic trade relations for economic growth and comity among nations. For this purpose, the State, in preserving and protecting the rights of its people to a secured public transport system, hereby supports and promotes the installation and implementation of a consolidated transportation security management to improve and maintain an effective mode of air, land and water transportation systems in full compliance with the international standards and practices, likewise fostering state of the art security measures in the country's transportation systems.

SEC. 3. *Compliance with International Conventions.* - As member of the community of nations and signatory state to international conventions, the Philippines shall dutifully comply with the provisions of the transportation security administration under International Maritime Organization as stated in Chapter XI-2-Regulation 1, Definitions No. 1 and 4 of the International Ship and Port Facility Security Code (ISPS CODE) and Chapter 3 (3.1.2) of Annex 17 of the International Civil Aviation Organization (ICAO).

Title II
Unlawful Interference, Others

SEC. 4. *Prohibited Acts.* - The following acts and omissions shall be considered prohibited acts:

- a) Unlawful interference which refers to acts or omissions that breach the security or interfere with the efficient, smooth and regular operation of transportation systems, ports, airports, terminals, services or facilities, thereby causing death, physical injury, damage to, or loss of property;
- b) Providing material, financial or moral support in aid of unlawful interference in a public transport service, facility or system except in the furtherance of legitimate protest, grievance or advocacy;
- c) Malicious reporting of incident or releasing, without authority, any classified transport security information, which may jeopardize the security of public transportation systems in the Philippines;
- d) Failure or refusal to implement transportation security regulations in a public transport system as required by this Act;
- e) Abuse the use of public transport franchise, permit and other certificates of public convenience; and
- f) Failure or refusal to disclose, or report information concerning breach in transportation security.

SEC. 5. *Penal Provisions.* - a) The penalty of imprisonment of six (6) years and one (1) day to twelve (12) years and one (1) day and a fine ranging from Fifty thousand pesos (P50,000.00) to Five hundred thousand pesos (P500,000.00) shall be imposed upon any person or group of persons who shall violate Section 4(a) of this Act.

The penalty of imprisonment of six (6) months and one (1) day to six (6) years and one (1) day and a fine ranging from Twenty thousand pesos (P20,000.00) to Three hundred thousand pesos (P300,000.00) shall be imposed upon any person who shall violate Section 4(b), (c), (d), (e) and (f) of this Act.

Title 111
Creation of the Philippine Transportation
Security Administration (PTSA)

SEC. 6. *The Philippine Transportation Security Administration (PTSA) and mandate.* - There is hereby created an administrative body to be known as the Philippine Transportation Security Administration (PTSA), hereinafter referred as the singular supreme authority to solely implement the national transportation security program under this act. It is an agency attached to the Department of Transportation and Communications (DOTC) exercising the following mandate:

- a) It shall secure, safeguard and protect all modes of air, land and water transportation in the country as a law enforcement agency;
- b) Render reciprocal support, assistance and coordination with the Civil Aeronautics Board (CAB), the Air Transportation Office (ATO), Philippine Ports Authority (PPA), Maritime Industry Authority (MARINA), Subic Bay Metropolitan Authority (SBMA), Cebu Ports Authority (CPA), Bases Conversion Development Authority (BCDA), Philippine Veterans Investment and Development Corporation (PHIVIDEC), Land Transportation Office (LTO), Land Transportation Franchising Regulatory Board (LTFRB), Philippine National Police-Aviation Security Group (PNP-ASG), Maritime Group (PNP-MARIG), Traffic Management Group (PNP-TMG), Armed Forces of the Philippines (AFP), Philippine Coast Guard (PCG), Airport Police (AP), Customs Police (CP), Metro Manila Development Authority (MMDA), Light Rail Transit Authority (LRTA), Philippine National Railways (PNR), Metro Rail Transit (MRT 3 Office), Autonomous Region for Muslim Mindanao (ARMM) and such other agencies related to transportation security;
- c) Formulate, develop, issue and implement security standards, security regulations and measures, international protocol, procedures, practices and policies including universally accepted standards for the prevention of security risks and incidents: and
- d) Collect fees and impose fines for the prevention of transportation security risk/incident and for the protection and security of passengers, crews, cargoes, baggage, personnel, transportation facilities, infrastructures and such other incidents of transportation security.

SEC. 7. Powers and Functions. - The PTSA shall have the following powers and functions:

- a) As a law enforcement agency, it shall likewise exercise supervision, control and regulations over all law enforcement and security agencies engaged in providing transportation security services and over all matters involving transportation security risks and for this purpose, coordinate with the Philippine National Police and other law enforcement agencies;
- b) Ensure safe and efficient security measures exercised by the different government agencies involved in transportation services, including but not limited to, the inspection of passengers, baggage and cargoes as well as the hiring and training of personnel in security screening, inspection, verification and audit;
- c) Determine tariffs, fares, rates, charges, and fees as it may deem necessary for air, land and water transport security services and prescribe the manner by which fees shall be paid and collected, subject to the provisions of this Act, notwithstanding any laws to the contrary;
- d) Formulate a comprehensive and consolidated transportation security management program and renew and update the same annually in coordination with other government agencies concerned;

- e) Promulgate and issue rules and regulations governing the technical, economic, and security aspects of the transport system for the security, safety, benefit and interest of the public;
- f) Prepare and adopt a comprehensive and separate (air, land and water) National Transport Security Program, likewise prescribing rules and regulations for the issuance of security access pass and the determination of levels of security clearance for all air, land and water transportation facilities and infrastructures;
- g) Conduct the investigation of any unlawful act of interference against public transportation system, facilities and infrastructures, and file & litigate appropriate charges related thereto and effect the arrest of offenders in accordance with law;
- h) Acquire, purchase, own, administer, lease, mortgage, sell, encumber or otherwise dispose of personal and real properties, equipment, property rights and interest therein;
- i) Sue and be sued in its corporate name;
- j) Procure, own and carry firearms and issue mission orders thereon, subject to existing laws, rules and regulations;
- k) Determine the organizational structure of the Authority, establish a human resources management system based on merit and fitness, and adopt a rational compensation and benefit scheme;
- l) Receive and assess intelligence information related to transport security threats;
- m) Develop policies, plans and strategies against transportation security threats and ensure the enforcement of national transportation security programs for all air, land and maritime transportation systems in the Philippines; and
- n) Perform such other functions necessary to effectively carry out the provisions of this Act.

SEC. 8. *National Transportation Security Committee (NTSC).* There is hereby created a National Transportation Security Committee composed of the following; The Secretary of The Department of Transportation & Communication as Chairman; The Secretary of the Department of Interior & Local government as Co-Chairman; The Secretary of the Department of Public Works and Highways; The undersecretary & Administrator of PTSA as Vice- Chairman and the following as members; Asst. Secretary, Air Transport Office (ATO); Assistant Secretary, Land Transportation Office (LTO); General Manager, Manila International Airport Authority (MIAA); General Manager, Cebu International Airport Authority (CIAA); General Manager, Subic Bay International Airport Authority (SBAA); General Manager, Clark International Airport Authority (CIAA); Chairman, Metro Manila Development Authority (MMDA); Chairman, Land Transportation and Franchising Regulatory Board (LTFRB); Chief, Philippine National Police (PNP); General Manager, Philippine National Railways (PNR); Administrator, Light Rail Transit Authority (LRTA); GM, Metro-Rail Transit Authority (MRTA); Executive Director, Toll Regulatory Board (TRB); Commandant, Philippine Coast Guard (PCG); General Manager, Maritime Industry Authority (MARINA); General Manager, Philippine Ports Authority (PPA); GM, Cebu Port Authority (CPA); Chief, Armed Forces of the Philippines (AFP); Commissioner, Bureau of

Immigration (BI); Commissioner, Bureau of Customs; Director General, National Intelligence Coordinating Agency (NICA); Group Commander, Presidential Security Group (PSG); and, three (3) members from the private sector representing each of the modes of transportation.

SEC. 9. Duties of the NTSC. The NTSC shall have the following specific duties:

- a) Define and allocate tasks and coordinate activities among the agencies of the government, airport authorities, aircraft operators and other entities concerned with or responsible for the implementation of the various aspects of transportation security administration.
- b) Coordinate security activities among the agencies of the government, airport and seaport authorities, aircraft and sea-craft operators, terminals and bus & train operators or entities concerned with or responsible for the implementation of the National Transportation Security program.
- c) Provide comprehensive policy guidance for the promotion and development of the transportation security as provided in this Act;
- d) Define and allocate tasks for the implementation of the security program;
- e) Ensure through the PTSA that each airport, seaport or terminals shall establish and implement a written security programme appropriate to meet the requirements of the national Transportation Security program; and
- f) Submit an annual report to the President of the Philippines.

SEC. 10. Meetings. The NTSC shall meet regularly at least once a year and may hold special meetings to consider urgent matters upon call of the Chairman or any (3) members of its entire membership. The PTSA is the secretariat of the NTSC.

SEC. 11. Administrator and Deputy Administrator. The head of the authority shall be known as the Administrator assisted by a Deputy Administrator, who shall be responsible for the general administration and management of the agency. The Administrator must be a natural born citizen of the Philippines, at least forty-five (45) years of age, with at least ten (10) years experience in the field of transportation or security, five (5) years of which shall be in the field directly related to security or allied services. The deputy administrator shall have the same qualifications as the Administrator.

The Administrator and Deputy Administrator shall be appointed by the President of the Philippines for a term of seven (7) years from the date they assume office. They are eligible for re-appointment.

For purposes of law enforcement functions, the Administrator and the Deputy Administrator are deemed persons in authority. All subordinate officials and personnel are deemed agents of persons in authority.

SEC. 12. Powers and Functions of the Administrator. – The Administrator shall have the following powers and functions:

- a) Execute, administer and implement the objectives, policies and programs of the Authority and enforce decisions, orders, rules and regulations approved or prescribed by the Board of Directors;
- b) Determine sensitive security information and prohibit the disclosure of information, files or records or data of any sort, if in his opinion, the disclosure of such information shall, (I) be detrimental to the security of persons and things in the transportation sector; (II) reveal trade secrets, privileged or confidential information obtained from any person, natural or juridical; (III) constitute unwarranted invasion of privacy of persons, including but not limited to, information contained in any personnel, medical or similar file; (IV) undermine public trusts and confidence in duly constituted authorities in the exercise of judgment calls and discretions in any or all risk managements and preventive or preemptive actions undertaken.
- c) In view hereof, the officials and employees of the Authority shall not be compelled to be a witness, report, inform, or testify in any inquiry or forum of whatever nature called for the purpose unless authorized in writing and within the scope of authorized inquiry by the President of the Republic of the Philippines.
- d) Direct and supervise the management, operations, and administration of the Authority in accordance with international standards of transportation security, and impose fines, penalties and similar sanctions for any violation thereof;
- e) Exercise visitorial/inspection powers in all areas within the jurisdiction of the Authority including but not limited to transportation terminals, stations and buildings, offices, seaports and airports, tarmacs, wharfs and similar infrastructures and issue travel and mission orders for the purpose;
- f) Undertake research studies, investigations and other activities related to contemporary transportation system security and future innovative requirements thereof, on his own initiative or upon instruction of higher authorities, and to submit comprehensive reports and appropriate recommendations to the Board for proper action;
- g) Formulate, develop, implement, revise and update the Air, Land and Maritime National Transportation Security Programs and Operational Plans or Manual;
- h) Prescribe collection procedures and schedules for security fees, rates and charges consistent with prevailing international standards for the use of airports, seaports, terminals and other transportation facilities or infrastructures. The revenues collected thereon shall be reported to the National Treasury and shall thereafter be disbursed by the Authority for the continuing support and upgrade of the administration, operation and services of the Authority to effectively carry out the objectives of this Act, subject to existing auditing and accounting laws, rules, regulations and procedures;
- i) Appoint, transfer, suspend, remove or otherwise discipline any subordinate officer or employee of the Authority, subject to Civil Service laws, rules and regulations; and

- j) Perform such other functions necessary to effectively carry out the provisions of this Act.

SEC. 13. *Removal for Cause.* The Administrator may be removed from office for cause as provided by law. In case of death, resignation, removal or permanent disability of the Administrator, the Deputy Administrator shall act as Administrator in a concurrent capacity until the Administrator shall have been appointed and qualified.

SEC. 14. *Prohibition.* The Administrator, the Deputy Administrator, the Directors and all other officials and employees of the Authority shall not own any transportation or security enterprise, nor shall own any shares of stock or bond in any transportation or security enterprise or in an enterprise that manufactures equipment used for transport security purposes. They shall strictly avoid conflict of interest in the conduct of their office. Any violation hereof shall be dealt with in accordance with law.

SEC. 15. *Membership in the National Security Council.* The Administrator or his representative is hereby designated as member of the National Security Council and shall report directly to the President of the Philippines regarding sensitive transportation security information.

SEC. 16. *Organizational Structure of the PTSA.* The authority shall consist of the following Bureaus which shall be headed by a Director IV level (Civil Service Commission):

a) **Civil Aviation Security Bureau (CASE).** - The Civil Aviation Security Bureau shall conduct continuous inspection, monitoring and audit of air transportation facilities and operations; formulate plans, policies, programs and implement rules and regulations for the security of air transportation; and conduct investigation on all matters involving illegal acts or unlawful interference committed upon or directed to air transportation facility and submit its recommendations to the Administrator;

b) **Maritime Security Bureau (MARSB).** - The Maritime Security Bureau shall conduct continuous inspection, monitoring, and audit of maritime transportation facilities and operations; formulate plans, policies, programs and implement rules and regulations for the security of maritime transportation; and conduct investigation on all matters involving illegal acts or unlawful interference committed upon or directed to maritime transportation facility and submit its recommendations to the Administrator;

c) **Road and Rail Security Bureau (RARSB).** - The Road and Rail Security Bureau shall conduct continuous inspection, monitoring, and audit of road and rail transportation facilities and operations; formulate plans, policies, programs and implement rules and regulations for the security of road and rail transport systems; and conduct investigation on all

matters involving illegal acts or unlawful interference committed upon or directed to road and rail transportation systems and submit its recommendations to the Administrator;

- e) **Intelligence and Communications Security Bureau (ICSB).** - The Intelligence and Communications Security Bureau shall provide the Authority with intelligence reports and information on the extent of security risks and threats affecting all modes of transportation; develop programs to strengthen the intelligence capability of the Authority in securing the different modes of transportation including transportation communication systems, facilities, services and infrastructures in the country;
- f) **Financial Management & Administrative Bureau (FMAB).** - The Financial Management & Administrative Bureau shall advise and assist the Administrator on budgetary, financial and management matters. It shall likewise provide the Authority with efficient and effective services relating to personnel, information, records, delivery and receipt of correspondence, supplies, property, equipment, maintenance and utilization of facilities; and provide services as may be provided by law;
- g) **Legal, Enforcement, Policy Research and Adjudication Bureau (LEPAB).** - The Legal, Enforcement, Policy Research and Adjudication Bureau shall provide the Authority with efficient and effective legal advice and opinion concerning the operation of the Authority; prepare contracts and instruments to which the Authority is a party; review reports relative to investigation conducted by the Authority and submit recommendations pertaining thereto; Enforce and litigate transportation security laws, rules and regulations; adjudicate matters affecting the implementation of the rules and regulations on national policy for all aviation, maritime and land transportation security;
- h) **Institute for Transportation Security Training and Development (ITSTD).** - The Institute for Transportation Security Training and Development shall formulate, develop, provide and maintain an effective, efficient and continuing training program for transportation security personnel; conduct test and qualifying procedures for transportation security equipment; undertake the training development and upgrade all course materials on security training programs and transportation security policies.

The Administration is hereby authorized to establish, operate and maintain a Regional Office in each of the administrative regions of the country. Each Regional Office shall be headed by a Regional Director who shall be responsible for the implementation of this Act within his administrative region.

SEC. 17. Law Enforcement. The Administration shall have the power to exercise law enforcement function, as it may deem necessary, to carry out its functions and attain its purposes and objectives: Provided, that the Administration may request the assistance of any law enforcement agency, including request for deputation as may be required. Such function shall be exercised in relation to the following: providing public safety, maintaining peace and

order, ensuring the security of passengers, crew, cargo and buildings, installations, equipment and machinery; regulating and controlling entry into, and exit from, and movement within controlled areas; supervising private security guards, and enforcing rules and regulations of the Administration.

SEC. 18. *Personnel Complement.* For purposes of implementing the provisions of this Act, personnel of units or offices of the Philippine Coast Guard (PCG); Philippine Ports Authority Police (PPAP); Airport Police; Customs Police; PNP-Maritime Group (PNP-MARIG); PNP-Aviation Security Group (PNPASG); PNP-Traffic Management Group (PNP-TMG); Philippine National Railways Police (PNR Police); Civil Security Unit-Air Transportation Office (CSU-ATO) and all other government agencies with the primary duty and functions of providing transportation security shall be under the operational direction and supervision of the Administration.

SEC. 19. *Promotion and Selection Board.* There shall be established a Promotion and Selection Board within the Administration which shall screen and evaluate its personnel for promotion. The appointment and promotion process shall be in accordance with the Civil Service laws, rules and regulations.

All positions in the Administration hereinafter created shall be filled up in accordance with the Administration's organizational structure, which shall define the qualification standards consistent with the minimum requirements under the Civil Service Rules and Regulations.

The Chairman of the NTSC, in the interim and in the exigency of the service, appoints the initial batch of Bureau Directors upon the recommendations of the PTSA Administrator.

Likewise, there shall be a Selection and Qualification Committee, which shall recommend to the Administrator the appointment of all other personnel not herein provided.

SEC. 20. *Headquarters, Offices and Location.* The principal office of the PTSA shall be in Metro Manila, but it may establish regional or field offices as may become necessary for the proper conduct of its business.

SEC. 21. *Appropriations.* For purposes of organizing and constituting the PTSA, and for carrying out the provisions of this Act, the amount of Five hundred Million Pesos (P500,000,000.00) is hereby appropriated out of any funds available and not otherwise appropriated in the National Treasury. In addition, the appropriations of the absorbed agency for the current fiscal year shall be transferred to the Administration. Thereafter, such amount as may be necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 22. *Transitory Provisions.* The Office for Transportation Security (OTS) under the Department of Transportation and Communications is hereby abolished. The officials and employees of the OTS shall be absorbed into the PTSA on the basis of merit and fitness and shall serve as the initial personnel complement of the Authority: Provided, That the

Administrator, the Deputy Administrator and the Directors that may be absorbed under this Act, shall be exempt from eligibility requirements of the Civil Service Commission upon entry into the Authority: Provided, however, That the said personnel shall have at least one hundred (100) hours of basic security training and at least two (2) years of extensive experience in actual investigation, intelligence and security functions or assignments.

Officials and employees of the absorbed agencies may continue to serve in their official capacity with the Authority without service record interruption: Provided that they are qualified and eligible for appointment in accordance with Civil Service laws, rules and regulations.

All existing facilities, equipment and all other assets, properties, rights, interests and privileges which, upon the effectivity of this Act, are vested in, and owned by, the OTS and such other agencies performing transportation security functions that may be absorbed by the PTSA, are hereby transferred to the PTSA.

All financial and logistical resources, facilities and equipment shall be released and put under the control of the PTSA. All organizations and agencies whose functions are transferred to PTSA shall disburse their funds and resources through the Authority.

SEC. 23. *Implementing Rules and Regulations (IRR).* Within ninety (90) days from his appointment, the Administrator shall promulgate rules and regulations necessary to ensure the effective implementation of this Act.

SEC. 24. *Repealing Clause.* All laws, executive orders, letters of instructions, rules and regulations and other issuances, or provisions thereof, 14 inconsistent with any provisions of this Act are hereby repealed or amended accordingly.

SEC. 25. *Separability Clause.* If for any reason any provision of this Act is declared unconstitutional or invalid, parts or provisions of this Act which are not affected shall continue to be in full force and effect.

SEC. 26. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,