

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 866

Introduced by **Hon. Rodolfo G. Biazon**

EXPLANATORY NOTE

Webster's dictionary defines "disaster" as a sudden calamitous event producing great material damage, loss and distress. 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 damage to lives and properties.

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 to advance transportation safety consciousness, there is an urgent need to create the National Transportation and Safety Board (NTSB) which shall be an independent and non-regulatory agency to ensure thorough and impartial investigations of transportation accidents. It shall be primarily responsible for the analysis, evaluation and prevention of air, overland and marine transportation accidents, to include railway and pipeline systems, for the effective promotion of safety 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 proper conduct of 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 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 that all modes of transportation in the Philippines are conducted safely. We believe that the NTSB will be an effective vehicle for the realization of such a need.

Therefore, the passage of this bill is strongly recommended.



RODOLFO G. BIAZON
Representative

Lone District, Muntinlupa City

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**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:

SECTION 1. *Short Title.* – This act shall be known and cited as the "*National Transportation Safety Board Act of 2008.*"

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

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

Sec. 4. *Objectives.* – The Board shall have the following objectives:

- (a) To prevent future accidents, save lives and reduce injuries and property damages;
- (b) To ensure that survivors and families of victims of transportation accidents receive timely and compassionate assistance from the operators, other government agencies, and community service organizations;
- (c) To ensure implementation of safety standards in the transportation industry; and
- (d) To conduct thorough accident and incident investigations, determine the probable causes, and publish accident reports and safety studies.

Sec. 5. *Structure and Organization.* – The Board shall be composed of five (5) full-time members, including a Chairman and a Vice-chairman. All the members of the Board shall have extensive training and experience in the respective field of our marine, air, overland and rail transportation systems, and each must have adequate knowledge in investigation, analysis, and evaluation of transportation accidents, particularly in the field of accident reconstruction, safety engineering, or transportation safety.

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

No member of the Board shall concurrently hold any other government office or position, or be employed in any government-owned or controlled corporation or entity or any private, business enterprise whose interest may be in conflict with the Board's function and duties.

The Chairman shall be the chief executive officer of the Board.

Three (3) members of the Board shall constitute a quorum for the transaction of any function of the Board.

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

Sec. 6. Office of the Executive Director. – The Board shall have an Executive Director who shall be appointed by the President of the Philippines upon recommendation of the Board. The Managing Director shall have the following functions:

- (1) Assist the Chairman in the discharge of his functions as executive and administrative head of the Board;
- (2) Coordinate and direct the activities of the staff and is responsible for the day-to-day management of the affairs and activities of the Board;
- (3) Recommend and develop plans to achieve the Board's objectives; and
- (4) Provide secretariat services to the Board

Sec. 7. Compensation. – The salary of the Chairman and members of the Board shall be the same as those of the Chairman and Members of the different Constitutional Commissions. The salary of the Chairman and Members of the Board shall not be decreased during their tenure.

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

Sec. 9. *Duties and Powers of the Board.* – The primary function of the Board is to promote safety in transportation.

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

- (1) Investigate and determine the facts, conditions, and circumstances and the cause or probable cause or causes of any air, overland and maritime accidents. Nothing herein shall prevent the Board from making further inquiries on accidents already investigated by existing accident-investigating bodies. Furthermore, the Board may require the submission of their records, reports, findings and recommendation of past investigation.

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

- (2) Report on the facts, conditions, and circumstances of each accident investigated pursuant to paragraph (1) of this subsection and cause such reports to be made available to the public;
- (3) Issue periodic reports to Congress and government agencies concerned with transportation safety;
- (4) Make transportation safety recommendations to national agencies and private organizations to reduce the likelihood of recurrences of transportation accidents;
- (5) Initiate and conduct special studies and investigations on matters pertaining to safety in transportation;

- (6) Assess and evaluate techniques and methods of accident investigation and prepare and publish from time to time recommended procedures for accident investigations;
- (7) Evaluate and publish the findings of the Board with respect to the transportation safety consciousness and effectiveness in preventing accidents of other government agencies, as well as promote transportation safety consciousness in both the national and local government;
- (8) Evaluate the adequacy of safeguards and procedures concerning the transportation of hazardous materials and the performance of carriers and other government agencies charged with assuring the safe transportation of such materials; and
- (9) Prepare and submit annual reports which shall include specific proposals for corrective legislation to the Department of Transportation and Communications, with copies simultaneously furnished to the appropriate committees of the Senate and House of Representatives.

(B) *Powers of the Board*

- (1) The Board may conduct such hearings, sit and act as such times and places, administer such oaths and require by subpoena or subpoena *duces tecum* the attendance and testimony of such witnesses and the production of such evidence as the Board or such officer may deem necessary. Subpoenas shall be issued under the signature of the Chairman and may be served by any person designated by the Chairman;
- (2) Any employee of the Board, upon presenting appropriate credentials and a written notice of inspection authority, is authorized to enter any property where a transportation accident has occurred, or where wreckage is found, or

where any such accident is located, and do all things necessary for the proper conduct of an investigation. The employees may inspect, at a reasonable time, records, files, processes, controls and facilities relevant to the investigation of such accident. Each inspection shall be commenced and completed with reasonable promptness and the results of such inspection be made available to the concerned parties.

(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 and Communication, 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 investigation.

(b) Employ recognized experts and consultants on the accidents under investigation who 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.

Sec 10. Seal. – The Board shall have a seal which shall be officially recognized .

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

- (1) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the preceding calendar year;
- (2) a survey and summary, in such detail as the Board deems advisable, of the recommendations made by the Board to reduce any other provision of law the likelihood of recurrence of such accidents together with the observed response to each recommendation;
- (3) an appraisal in detail of the accident investigation and accident prevention activities of other government agencies charged by law with responsibility in this field; and
- (4) a biennial appraisal and review and recommendations for legislative and administrative action with respect to transportation safety.

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

Sec 13. *Separability Clause.* – Any portion or provision of this Act which may be declared unconstitutional shall not have the effect of nullifying other portions or provisions

hereof, as long as such remaining portions or provisions can still subsist and be given effect in their entirety.

Sec. 14. *Repealing Clause.* – All laws, decrees, orders, proclamation, rules and regulations, or parts thereof, which are inconsistent with any of this Act are hereby repealed, amended, or modified accordingly.

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

Approved.