



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

First Regular Session
Fifteenth Congress

House Bill No. 4000

Introduced by Honorable Erico B. Aumentado

EXPLANATORY NOTE

This bill seeks to establish a National Transportation Safety Board.

The Philippines rely heavily on the transportation industry as it provides access to business opportunities and increases the mobility of people and goods. The transportation industry plays a vital role in the development and in promoting economic growth in the country. As such, the maintenance of a safe, viable, efficient, fast and dependable transportation system is imperative. However, through time, the Philippines has experienced transportation accidents of different magnitudes. These unfortunate occurrences, which have caused much damage to lives, property and the environment, reveal the immediate need for the State to find concrete solutions to minimize if not totally prevent these accidents.

Public clamor for government action arises whenever transportation accidents occur, particularly those causing the loss of lives and damage to property. The public expects the government to conduct investigations and the results be fully disclosed and the corresponding safety recommendations disseminated and implemented. However, numerous transportation accidents still occur, even those which could have been prevented by proactive measures from different sectors. Thus, there is a need to effectively promote a higher degree of safety in the transportation system in the country.

Currently, there are various government agencies tasked with the regulation of the transportation system which are attached to the Department of Transportation and Communications, namely: the Land Transportation Office (LTO), Land Transportation Franchising and Regulatory Board (LTFRB), Air Transportation Office (ATO), the Maritime Industry Authority (MARINA), and the Philippine Coast Guard (PCG). As regulatory agencies, they are mandated to promulgate transportation safety rules, regulations and policies. In order to have proper oversight over the safety, adequacy and efficiency of our transport system, an independent and non-regulatory agency is essential.

This measure aims to establish an independent and non-regulatory agency which shall be charged with the conduct of independent accident investigations; continual and objective review, appraisal and assessment of operating practices and regulations of government agencies which implement transportation laws and policies. It is also tasked to formulate and promulgate safety improvement standards for observance and implementation by said agencies and the public.

Establishing a National Transportation Safety Board (NTSB) will ensure that an impartial and thorough investigation of transportation accidents is conducted by an independent and non-regulatory agency. The main objective of NTSB is to determine the cause or causes of the accident and to initiate or recommend measures to prevent the occurrence of similar accidents and promote safety in the transportation industry. The NTSB shall have the added responsibility of coordinating government assistance to victims and their families in cases of catastrophic transportation accidents which may cause the loss of lives or damage to property or the environment.

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



ERICO B. AUMENTADO



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HOUSE BILL NO. 4000

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

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

SECTION 1. *Short Title.* – This Act shall be known as the "*National Transportation Safety Board Act.*"

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to maintain a safe, viable, efficient and dependable transportation system as it plays an important role in nation-building and in promoting economic growth.

Consistent with this policy, the State recognizes the importance of preventing transportation accidents, thereby saving lives and property, by promoting transportation safety. There is a need to establish an independent government agency tasked with determining the probable cause of

transportation accidents, promote safety and efficiency in the transportation of people, property and goods, and to assist victims of transportation accidents and their families.

SEC. 3. *National Transportation Safety Board.* – There is hereby created an independent and non-regulatory body to be known as the National Transportation Safety Board (NTSB) which shall be attached to the Office of the President.

The NTSB shall have the following objectives:

- a) Prevent future transportation accidents, save lives and reduce injuries and damage to property;
- b) Ensure implementation of safety procedures that have been identified by the government agencies responsible for transportation safety;
- c) Conduct objective, precise accident and incident investigations, and safety studies;
- d) Assist the victims of transportation accidents and their families to ensure that they receive timely and commensurate assistance from the transport operators, other government agencies, and community service organizations; and
- e) Advocate and promote safety recommendations and related information to the public, safety managers, and to the transportation sector.

SEC. 4. *Structure and Organization.* – The NTSB shall be composed of a Chairperson and four (4) full time members. All the members of the

NTSB shall be natural-born citizens and residents of the Philippines and at the time of their appointment at least thirty-five (35) years of age, persons of good moral character, unquestionable integrity, recognized probity, and competence. The members of the NTSB must also have extensive training and experience in the fields of marine, air, highway 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, evaluation of evidence and transportation safety.

The Chairperson shall be the chief executive officer of the NTSB and shall exercise the executive and administrative functions thereof with respect to the appointment and supervision of personnel employed by the NTSB; the distribution of functions among any administrative units of the NTSB and the use and expenditure of funds. The members of the NTSB will choose from among themselves an acting Chairperson in the event of absence or incapacity of the Chairperson.

The NTSB shall establish and maintain distinct and appropriately staffed bureaus, divisions or offices to investigate and report on accidents in any of the following modes of transportation: a) aviation; b) maritime; c) highway; and d) railroad or tracked vehicles. The NTSB shall also establish and maintain any other office as is needed, including an office to investigate and report on the safe transportation of hazardous, toxic or waste materials.

SEC. 5. *Appointment of NTSB Members.* – The President of the Philippines shall appoint the first members of the NTSB within thirty (30) days from the effectivity of this Act. Any vacancy in the NTSB shall likewise be filled within thirty (30) days from the date the vacancy first arises.

SEC. 6. *Term of Office.* – All members of the NTSB shall have a fixed term of six (6) years without reappointment. Of those first appointed, the Chairperson shall hold office for six (6) years, two (2) members shall hold office for four (4) years and the remaining two (2) members shall hold office for two (2) years, without reappointment. Upon the expiration of the term of a member of the NTSB, the said member shall continue to serve until a successor is appointed and shall have qualified. Appointment to any vacancy shall only be for the unexpired term of the predecessor.

No member of the NTSB shall hold concurrently any other government office or position or be employed in any government-owned or controlled corporation or entity.

Members of the NTSB may be removed by the President for cause as provided for by law.

SEC. 7. *Prohibited Interests.* – The Chairperson and members of the NTSB or any of their relatives within the fourth civil degree of consanguinity or affinity, legitimate or common law, shall be prohibited from holding any interest whatsoever, either as investor, stockholder, officer

or director, in any company or entity engaged in air, marine, land and rail commerce, whether scheduled or unscheduled, passenger or cargo, domestic or international, or in any business providing support services to persons engaged in areas such as but not limited to general sales agencies, travel agencies, cargo forwarders, ground handling, catering, fuel servicing, maintenance, and must divest, through sale or legal disposition, of any and all interests in such undertakings upon assumption of office. Any violation of this section shall subject the member concerned to removal from the NTSB for cause as well as administrative, civil or criminal prosecution under applicable laws.

SEC. 8. *Quorum.* – The presence of at least three (3) members of the NTSB shall constitute a quorum and the majority vote of two (2) members in a meeting where a quorum is present shall be necessary for the adoption of any rule, ruling, order, resolution, decision or other act of the NTSB in the exercise of its functions.

SEC. 9. *Compensation.* – The salary of the Chairperson and the members of the NTSB shall be the same as those of the Chairperson and Members of the different Constitutional Commissions. They shall also be entitled to computable representation and transportation allowances in the amount of not less than Five thousand pesos (P5,000.00) each per month. The salary of the Chairperson and Members of the NTSB shall not be decreased during their tenure.

SEC. 10. *Personnel.* – Subject to the civil service laws, rules and regulations, the NTSB 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. 11. *Duties of the NTSB.* – The following are the primary duties of the NTSB:

a) Investigate or cause to be investigated, in such details as it shall prescribe, and determine the facts, conditions, and circumstances and the cause or probable cause or causes of any:

- i. Aircraft accident within the scope and subject to the provisions of Republic Act No. 776, as amended by Republic Act No. 9497;
- ii. Highway accident, including any railroad grade crossing accident;
- iii. Railway accident in which there is a fatality, substantial property damage, or which involves a passenger train;
- iv. Pipeline accidents in which there is a fatality or substantial property damage or significant injury to the environment;
- v. Major marine casualties and marine accidents, except those involving only vessels used by the Armed Forces of the Philippines, occurring on the navigable waters or territorial seas of the Philippines, or involving a vessel of the Philippines, in

accordance with the regulations to be prescribed jointly by the NTSB and the Secretary of Transportation and Communications in which the Coast Guard is operating. Any marine accident involving a public vessel and any other vessel shall be investigated and the facts, conditions, and circumstances, and the cause or probable cause determined and made available to the public by either the NTSB or the Secretary of Transportation; and

- vi. Other accidents which occur in connection with the transportation of people or property, equipment or hazardous materials which, in the judgment of the NTSB, is catastrophic, involve problems of a recurring character, or would otherwise carry out the above-stated policy of the State. Nothing therein shall prevent the NTSB from making further inquiries on accidents already investigated by existing accident-investigating bodies. Furthermore, the NTSB may require the submission of their records, reports, findings and recommendations of past investigations. The NTSB 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 NTSB in the performance of its functions. In

addition, it shall give full support to the actions and policies dictated by the NTSB during the conduct of such investigations.

b) Report in writing 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 and cause notice of the issuance and availability of such reports when already published in the Official Gazette;

c) Issue periodic reports to Congress and government agencies concerned with transportation safety, and other interested persons recommending and advocating meaningful responses to reduce the likelihood of recurrence of transportation accidents similar to those investigated by the NTSB and proposing corrective steps to make the transportation of persons as safe and free from risk of injury as possible;

d) Make transportation safety recommendations to national agencies and private organizations to reduce the likelihood of recurrences of transportation accidents;

e) Initiate and conduct special studies and special investigations on matters pertaining to safety in transportation;

f) Assess and reassess techniques and methods of accident investigation, prepare and publish from time to time recommended procedures for accident investigations;

g) Evaluate, assess the effectiveness, and publish the findings of the NTSB with respect to the transportation safety consciousness and efficacy in preventing accidents of other government agencies, as well as promote transportation safety consciousness in both the national and local governments;

h) 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;

i) Gather, analyze and survey, and keep data and statistics related to transportation accidents;

j) 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 the House of Representatives;

SEC. 12. *Powers of the NTSB.* – The NTSB shall exercise the following powers:

a) The NTSB, or upon authority of the NTSB, any member thereof, or any officer or employee duly designated by the Chairperson, 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

NTSB or such officer may deem necessary. Subpoenas shall be issued under the signature of the Chairperson, or the Vice-Chairperson, and may be served by the person designated by the Chairperson.

b) Any employee of the NTSB, upon presenting appropriate credentials and a written notice of inspection authority, is authorized to enter any property wherein a transportation accident has occurred or wreckage of any such accident is located and do all things therein necessary for the proper conduct of investigation. The employees may inspect, at reasonable times, records, files, processes, controls and facilities relevant to the investigation of such accident. Each inspection shall commence and be completed with reasonable promptness and the results of such inspection made available to the public within a reasonable time;

c) In case of contumacy or refusal to obey a subpoena, an order, or an inspection notice of the NTSB or any duly designated employee thereof, by any person who resides, is found, or transacts business within the jurisdiction of the Philippines, may be required to comply forthwith by a court of competent jurisdiction, upon the petition of the NTSB. Failure to obey such an order is punishable by such court as contempt of court;

d) The NTSB 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 NTSB under this Section, with any government entity or any person;

- e) The NTSB is authorized to:
 - i. Use, on a reimbursable basis or otherwise, when appropriate, available services, equipment, personnel and facilities of the Department of Transportation and Communications, the Department of National Defense, the Department of Public Works and Highways and other agencies and instrumentalities of the government in the conduct of its investigations;
 - ii. Employ recognized experts and consultants on the accidents under investigation who shall be paid by compensation fixed by the NTSB: *Provided*, That not more than two consultants shall be appointed for each incident being investigated;
 - iii. Create advisory committees composed of qualified private citizens and government officials as it deems necessary or appropriate;
 - iv. Accept voluntary and uncompensated services notwithstanding any other provision of law; and
 - v. Accept gifts or donations of money or property, including real, personal, mixed, tangible or intangible; and enter into contracts with public or private non-profit entities for the conduct of studies related to any of its functions.
- f) The NTSB may order any autopsy to be performed and have other tests made when necessary to investigate an accident. However, local

or national laws protecting religious beliefs related to autopsies shall be observed to the extent consistent with the needs of the accident investigation. With or without reimbursement, the NTSB may obtain a copy of an autopsy report performed by a State or local official on an individual who died because of a transportation accident investigated by the NTSB;

g) As soon as practicable after being notified of a transportation accident within the Philippines involving a domestic or foreign air carrier, domestic or foreign passenger or cargo ship, land based mass transit system which results in a major loss of life or significant damage to property or to the environment, the NTSB shall:

- i. Designate and publicize the name and phone number of the Director for Public Affairs or Support Services who shall be an employee of the NTSB and shall be responsible for acting as a point of contact within the Government for the families of passengers involved in the accident and a liaison between the carrier and the families;
- ii. Designate the Department of Social Welfare and Development (DSWD) or an independent non-governmental organization (NGO), with experience in disasters and post-trauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident;

- iii. Meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the NTSB, in consultation with the DSWD, NGO and its director for support services or public affairs designated for the accident determines that further assistance is no longer needed;
 - iv. Communicate with the families as to the roles of the NTSB, government agencies, and the carrier involved with respect to the accident and the post-accident activities; and
 - v. Request, as soon as practicable, from the carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the transport involved in the accident.
- h) To the extent practicable, the NTSB shall coordinate its activities with the carrier involved in the accident so that the resources of the carrier can be used to the greatest extent possible to carry out the organization's responsibilities;
- i) Whenever the NTSB submits or transmits any budget estimates, budget request, supplemental budget estimate, or other budget information, legislative recommendation, prepared testimony for Congressional hearings, or comment on legislation to the President or the Department of Budget and

Management, it shall concurrently transmit a copy thereof to the Congress.

No officer or agency of the Philippine government shall have any authority to require the NTSB to submit its budget requests or estimates, legislative recommendations, prepared testimony for congressional hearings, or comments on legislation to any officer or agency of the National Government for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress;

j) The NTSB is empowered to designate representatives to serve or assist on such committees as the Chairperson determines to be necessary or appropriate to maintain effective liaison with executive departments, other government agencies, and with independent standard setting bodies carrying out programs and activities related to transportation safety;

k) The NTSB, or any employee of the NTSB duly designated by the Chairperson, may conduct an inquiry to secure data with respect to any matter pertinent to transportation safety, upon publication of notice of such inquiry in the Official Gazette; and may require, by special or general orders, government agencies and persons engaged in the transportation of people or property in commerce to submit written report and answers to such requests questions as are propounded with respect to any matter pertinent to any function of the NTSB. Such reports and answers shall be submitted to the NTSB or to such employee within such reasonable period of time and in

such as the NTSB may determine. Copies thereof shall be made available for inspection by the public;

l) The NTSB may delegate any of its power and functions to the heads of the different offices enumerated in Section 10 hereof, to further facilitate the implementation of the provisions of this Act;

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

SEC. 13. *Recommendations of the NTSB.* – The NTSB shall recommend to the Department of Transportation and Communications the recall of defective conveyance and to cause the installation of the required part or parts to make it safe, and notify not only the distributor or purchasers but also the public of such defect. Likewise, it shall recommend the grounding of any defective conveyance pending the investigation of the cause or nature of its defect. Moreover, the NTSB may also recommend for the denial, amendment, modification, suspension, or revocation of a certificate of public conveyance, registration or franchise if the mode of conveyance including transportation activities of a commercial carrier have been found negligent in ensuring transportation safety.

Wherever the NTSB submits a recommendation regarding transportation safety to the Secretary of Transportation, the Secretary shall respond to each such recommendation formally and in writing not later than

thirty (30) days after receipt thereof. The response to the NTSB by the Secretary shall indicate any intention to:

i. Initiate and conduct procedures for adopting such recommendation in full, pursuant to a proposed timetable, a copy of which shall be included;

ii. Initiate and conduct procedures for adopting such recommendation in part, pursuant to a proposed timetable, a copy of which shall be included. Such response shall set forth in detail the reasons for the refusal to proceed as to the remainder of such recommendation;

iii. Refuse to initiate or conduct procedures for adopting such recommendation. Such response shall set forth in detail the reasons for such refusal.

SEC. 14. *Use of Reports in Actions and Damages.* – No part of any report of the NTSB relating to any accident or the investigation thereof, shall be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report or reports. Furthermore, the NTSB shall have immunity from suits arising from its investigation, pronouncements and findings.

SEC. 15. *Seal.* – The NTSB shall have a seal which shall be officially recognized.

SEC. 16. *Annual Report.* – The NTSB shall submit to both Houses of Congress an annual report at the end of each year. Such report shall include, but not limited to:

a) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the NTSB during the preceding calendar year;

b) a survey and summary, in such detail as the NTSB deems advisable, of the recommendations made by the NTSB to reduce the likelihood of recurrence of such accidents together with the observed response to each recommendation;

c) 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

d) recommendations for legislative and administrative actions or changes with respect to transportation safety.

SEC. 17. *Fiscal Autonomy.* – The NTSB shall enjoy fiscal autonomy. Their approved annual appropriations shall be automatically and regularly released.

SEC. 18. *Appropriations.* – The NTSB shall receive an appropriation in the amount of Thirty Million Pesos (P30,000,000.00) to finance its operation for the first year to be appropriated out of the funds of the National Treasury not otherwise appropriated. Thereafter, such amounts as may be

necessary and sufficient to finance its operations and activities shall be included in the annual General Appropriations Act.

SEC. 19. *Separability Clause.* – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 20. *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. 21. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,