

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 4059

Introduced by Representative ROGER G. MERCADO

EXPLANATORY NOTE

This bill seeks to provide a more organized framework in the implementation of the security measures in all modes of public transportation system.

Bills of the same nature were also proposed in the previous Congresses during the advent of terrorist attacks like the 9/11 World Trade Center incident and the Rizal Day LRT bombing, to name a few, which resulted to devastating and traumatic consequences and loss of thousands of lives.

The threat of these kinds of unlawful and inhuman activities continues and this representation believes that there is an urgent need for a preventive measure to ensure the safety of our passengers and the general public.

Thus, passage of this bill is earnestly sought.



ROGER G. MERCADO

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

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HOUSE BILL NO. 4059

Introduced by Representative Roger G. Mercado

AN ACT
CREATING THE PHILIPPINE TRANSPORTATION SECURITY AUTHORITY (PTSA),
PROVIDING FUNDS THEREFOR, DEFINING THE CRIME OF UNLAWFUL
INTERFERENCE AND PROVIDING PENALTIES THEREFOR

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

TITLE I GENERAL PROVISIONS

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

3 **SEC. 2. Declaration of Policy.** - The State recognizes the vital role of transportation and
4 commerce in nation building and in the promotion of international and domestic trade relations for
5 economic growth and comity among nations.

6 The State, in preserving and protecting the right of its people to a secured transport system,
7 hereby supports and promotes the installation and implementation of a consolidated transportation
8 security management to improve and maintain an effective inter-modal (air, land & water)
9 transportation system in full compliance with the international standards and fostering state of the
10 art security measures in the country's transportation systems.

11 The State declares its support for the implementation and enforcement of the strictest possible
12 standards to stamp out terrorism, economic sabotage and all forms of unlawful
13 interference that breach the integrity and security of international and national transportation
14 systems.

15 The State finally adopts the generally-accepted principles of international law and universal

1 recommendations on standards and practices in transportation security as part of the laws of the
2 land and adheres to the policy of comity and cooperation.

3 **SEC. 3** Mandates for Compliance with International Conventions. - As a member of the
4 community of nations and as signatory state to international conventions, it is hereby declared that a
5 singular transport security authority is mandated to comply with the provisions of the
6 transportation security administration under International Maritime Organization as stated in
7 Chapter XI-2- Regulation I, Definitions No. 1 and 4 of the International Ship & Port Facility
8 Security Code (ISPS CODE) and capter 3 (3.1.2) of Annex 17 of the International Ciivil Aviation
9 Organization (ICAO)

10 **TITLE II – CREATION OF THE “PHILIPPINE TRANSPORTATION SECURITY**
11 **AUTHORITY”**

12 **SEC. 4.** *Creation and Mandate of the Philippine Transportation Security Authority (PTSA).*

13 – There is hereby created a single authority to address the transportation security system of the
14 country to be known as the “Philippine Transportation Security Authority” herein referred to as the
15 “Authority” which shall be an attached agency under the Department of Transportation and
16 Communications (DOTC). For this purpose, the existing Office for Transportation Security created
17 under Exececutive Order No. 277 and Executive Order No. 311 is hereby abolished. The present
18 officers and staff of the OTS-DOTC are hereby absorbed by the Authority and shall serve as the
19 initial personnel complement of the Authority.

20 The Authority is mandated to formulate, implement, promote and ensure the installation of
21 security standards, measures, regulations and appropriate fees, protocol, procedure, practices and
22 policies to include those that are universally acceptable for the prevention of transportation security
23 incident/disaster; and the protection and security of passengers, crews, cargoes, baggages,
24 personnel, transportation facilities/infrastructure, properties and the general public.

25 The Authority in compliance with the mandates of international conventions is hereby
26 designated as the single administrative authority for the security of all modes (air, water & land) of

1 transportation in the country. It shall be organized, trained and equipped to perform law
2 enforcement functions in the transportation security sector/systems.

3 The Authority shall render, for law enforcement purposes, reciprocal support, cooperation,
4 assistance and coordination with the Civil Aeronautics Board (CAB), the Civil Aviation Authority
5 of the Philippines (CAAP), Philippine Ports Authority (PPA), Maritime Industry Authority
6 (MARINA), Subic Bay Metropolitan Authority (SBMA), Cebu Ports Authority (CPA), Bases
7 Conversion Development Authority (BCDA), Philippine Veterans Investment and Development
8 Corporation (PHIVIDEDEC), Land Transportation Office (LTO), Land Transportation Franchising
9 Regulatory Board (LTFRB), Armed Forces of the Philippines (AFP), Philippine Coast Guard
10 (PCG), Airport Police, Customs Police, Metropolitan Manila Development Authority (MMDA),
11 Light Rail Transit Authority (LRTA), Philippine National Railways (PNR) and Metro Rail Transit
12 (MRT 3 Office) Autonomous Region for Muslim Mindanao (ARMM).

13 **SEC. 5. Powers & Functions.** - The Authority shall have the following powers and functions:

14 a) Exercise effective control and assumes supervision over all transportation security
15 personnel and agencies performing or rendering security services in the transport security
16 sector/systems;

17 b) Responsible for the security of all modes and means of transportation systems in the
18 Philippines that are exercised by the different government agencies including but not limited to
19 screening of passengers, baggage or cargoes; hiring and retention of security screening personnel;
20 training and testing of security screening, inspection, verification & audit personnel;

21 c) Advise the President of the Republic of the Philippines directly or through the Secretary
22 of the DOTC and/or the National Security Council (NSC) on all matters involving transportation
23 security. The Administrator of the Authority shall report directly to the President on urgent national
24 and international transportation security concern;

25 d) In coordination with appropriate agencies, formulate, promulgate and develop
26 comprehensive transportation security plans, policies, regulations, measures, fees and programs to

1 decisively deal with any threat to the security of the transport systems, and continually review,
2 assess and upgrade such plans, regulations, policies, measures, fees, strategies and programs to
3 improve and enhance transportation security and ensure the adequacy of these security measures,
4 plans, regulations, policies, fees and programs to improve and update national transportation
5 security upon contemporary concepts and principles;

6 e) Examine, verify and audit the transport security performance, activities and facilities of
7 all modes of transportation system, and establish inter-modal transport security standards on a
8 continuing review;

9 f) Prepare a comprehensive national transport security program, prescribing rules and
10 regulations for the efficient operation of land, air and water/maritime transportation security,
11 including procedures and screening for the issuance of security access pass and the determination of
12 levels of security clearance on transportation facilities and infrastructures;

13 g) Prescribe transportation security standards in all modes of transportation systems in the
14 country in accordance with existing laws, rules, regulations and international conventions;

15 h) Exercise law enforcement power in coordination with existing law enforcement agencies
16 over all matters involving transport security, isolated or syndicated disruption or unlawful
17 interference upon all modes of transportation system. The Authority may, however, request
18 assistance from other law enforcement agencies and may appoint or deputize other law enforcement
19 personnel and or agencies to carry out its mandate;

20 i) Actively pursue *motu proprio* the investigation and prosecution of any felony, illegal act or
21 unlawful interference committed at or directed against transportation system, facilities and
22 infrastructure; effect the arrest of offenders in accordance with law; and file appropriate charges
23 related thereto through the appropriate government agencies;

24 j) Acquire, purchase, own, administer, lease, mortgage, sell or otherwise dispose of or
25 encumber any real or personal property, equipment, assets and rights in furtherance of its mandate.

26 The Authority shall be exempt from payment of any or all direct and indirect taxes, import fees and

1 charges, capital gains taxes, local and national taxes, interests, import duties, fees, taxes and charges
2 of any kind or nature on all of its real and personal properties, assets, income and revenues,
3 importations, transactions, loans and obligations (principal or interests) as acquired and incurred in
4 the exercise of its mandate under the provisions of this Act;

5 k) Sue and be sued with its consent;

6 l) Procure, own, carry firearm; and if necessary, issue mission orders thereon, as
7 determined by the appropriate authority subject to existing laws, rules and regulations;

8 m) Perform such other functions necessary to effectively carry out the provisions of this Act
9 and as the President of the Philippines or the Secretary of Transportation and Communications may
0 direct.

1 **SEC. 6. *Transfer of Powers and Functions*** – The powers and functions of the Office for
12 Transportation Security not inconsistent with the provisions of this Act are hereby transferred to the
13 Authority. The foregoing transfer of powers and functions shall include all applicable funds,
14 appropriations, records, equipment, property and personnel as may be necessary.

15 **SEC. 7. *Administrator and Deputy Administrator: Qualifications, Appointments and Terms***
16 *of Office.* – The Authority shall be headed by the Administrator who shall have the rank of an
17 Undersecretary, and who shall be responsible for the general administration and management of the
18 agency. He must be a natural born citizen of the Philippines; must be at least forty five (45) years of
19 age; must have experience in a field directly related to transportation or security; and must have at
20 least five (5) years experience in the management of a field directly related to security or allied
21 services.

22 The Administrator shall be appointed by the President of the Philippines upon
23 recommendation of the Secretary of DOTC. The Administrator shall serve a fixed term of seven (7)
24 years counted from the time he takes his oath to assume office. The Administrator shall be assisted
25 by a Deputy Administrator with the rank of Assistant Secretary and shall have the same
26 qualifications and term of office as the Administrator.

1 For the purposes of law enforcement in the exercise of police functions, the Administrator
2 and the Deputy Administrator shall be deemed persons in authority. All subordinate officials and
3 personnel are deemed agents of the persons in authority.

4 **SEC. 8. Bureaus.** - As an intermediate agency and for purposes of carrying out its duties
5 and powers as provided for in the succeeding sections, the PTSA shall be composed of the
6 following major bureaus: Civil Aviation Security Bureau; Maritime Security Bureau; Land & Rail
7 Security Bureau; Intelligence & Communications Security Bureau; Administrative and Finance
8 Bureau; and Legal, Planning, Policy Research & Adjudication Bureau. The bureaus are to be
9 headed by Bureau Directors.

10 a) The Civil Aviation Security Bureau (CASB) shall conduct continuous inspection,
11 monitoring, audit of facilities and operations at all levels of air transportation system and shall
12 monitor and/or directly implement the Authority's projects, programs and regulations relative to
13 security of air transportation; to conduct investigation on all matters involving illegal acts or
14 unlawful interference committed upon or directed to air transportation facility and submit
15 recommendation relative thereto in adherence to reciprocal support, assistance and coordination
16 with the appropriate law enforcement agencies.

17 b) The Maritime Security Bureau (MSB) shall conduct continuous inspection, monitoring,
18 audit of facilities and operations at all levels of maritime transportation system; and shall monitor
19 the rules and regulations relative to security of maritime transportation; to conduct investigation on
20 all matters involving illegal acts or unlawful interference committed upon or directed to maritime
21 transportation facility and submit recommendation relative thereto;

22 c) The Land & Rail Security Bureau (LRSB) shall conduct continuous inspection,
23 monitoring and audit of facilities and operations at all levels of land and rail transportation systems
24 and shall monitor the implementation of the Authority's projects, programs and regulations relative
25 to security of land and rail transport systems; to conduct investigation on all matters involving
26 illegal acts or unlawful interference committed upon or directed to land and rail transportation

1 systems and submit recommendation relative thereto.

2 d) The Intelligence & Communications Security Bureau (ICSB) shall conduct continuous
3 intelligence gathering and evaluation to direct and substantiate policy directions of the agency. It
4 shall likewise promulgate programs to strengthen the intelligence capability of the Authority in
5 securing the different modes of transportation including transportation communication systems,
6 facilities, services and infrastructure in the country;

7 e) Administrative & Finance Bureau (AFB) shall provide necessary services relating to
8 finance & administrative matters; Keep records, correspondence, supplies, property, equipment &
9 general services; and the maintenance and utilization of facilities; and provide services relating to
10 manpower, career planning and development, personnel placements and employees welfare.

11 f) Legal, Planning, Policy Research & Adjudication Bureau (LPPRAB) shall provide the
12 Authority with efficient and effective service as legal counsel of the Authority; draft or study
13 contracts affecting the Authority; review reports relative to investigation conducted by the Authority
14 and submit recommendations pertaining thereto; render legal opinions arising from the
15 administration and operation of the Authority and adjudicate matters affecting the regulatory
16 issuances relative to matters of national policy on civil aviation, maritime and land & rail
17 transportation security.

18 g) Transportation Security Training and Development Bureau (TSTDB) shall formulate,
19 develop, provide and maintain an effective, efficient and continuing training/re-training program for
20 transportation security personnel and all allied agencies and their personnel who apply standards
21 and recommended level of security for the secured operation of all modes of transportation covering
22 but not limited to screening, verifying, auditing and inspecting of personnel, equipments and
23 facilities involved in providing transportation security. It shall conduct tests and qualifying
24 procedures for transportation security equipments and such other undertaking to maintain the
25 quality participation/contribution of man & machine in sanitizing the integrity of all modes of
26 transportation from criminal acts. The TSTDB shall formulate and conduct training programs for

1 the skills development of the personnel of the Authority.

2 Incidental matters that may be uncovered and which may pertain to another office, agency,
3 bureau or division, holding or operating within the transportation facilities and complexes must be
4 reported to the appropriate enforcement agencies and the same may be subjected to direct control
5 and police action by the operatives and elements of the Authority.

6 The Authority may from time to time change its organizational structure and thus, may
7 create, merge, consolidate or abolish such other functional offices or divisions, as it may deem
8 proper and appropriate to achieve in maximum its mandates.

9 The Authority shall establish and maintain regional offices in the different regions of the
10 country which shall be responsible for the implementation of this Act and for the policies, programs
11 and projects of the Authority in their respective regions.

12 **SEC. 9. *Removal and Filling up of Vacancy.*** - The Administrator may only be removed
13 from office by the President of the Philippines for cause and with due process in accordance with
14 the Civil Service laws, rules and regulations.

15 In case of vacancy due to death, resignation, removal or permanent disability of the
16 incumbent Administrator, the Deputy Administrator shall serve as Acting Administrator on a
17 concurrent capacity until a new Administrator is appointed and assumes office for the full term.

18 **SEC. 10. *Prohibition.*** - The Administrator, Deputy Administrator, Directors and all other
19 officials, officers, entire staff and personnel of the Authority shall not own stock in or bonds of any
20 transportation security enterprise or in an enterprise that manufactures equipment that could be
21 used for transport security purposes.

22 Any violation of this prohibition shall be dealt with in accordance with the existing concept
23 of conflict of interest as defined in the rules and regulations concerning accountability of public
24 officers.

25 **SEC. 11. *Membership in the National Security Council.*** - The Administrator or his duly
26 qualified representative/designate possessing the same high security clearance is hereby designated

1 as member of the National Security Council and shall report directly to the President of the
2 Philippines regarding sensitive transportation security information.

3 **SEC. 12. Functions, Powers and Duties of the Administrator.** - The Administrator shall
4 have the following functions, powers and duties:

5 a) The exclusive power to interpret the provisions of this Act subject to review on
6 *certiorari* by the Court of Appeals on ground of grave abuse of discretion amounting to excess or
7 utter lack of jurisdiction;

8 b) The power to promulgate rules, regulations;

9 c) The power to charge fees, penalties, administrative fines, and such other charges and
10 sanctions to effectively implement the provisions of this Act;

11 d) The sole and unilateral responsibility to determine sensitive transportation security
12 information (TSI). The Administrator shall prohibit the disclosure of transportation security
13 information, files or records or data of any sort, if in his opinion, the disclosure of such information:

14 a) is detrimental to the security of persons and things in the transportation sector; b) will reveal
15 trade secrets or privileged or confidential information obtained from any person, natural or juridical;

16 c) will constitute unwarranted invasion of privacy of persons, including but not limited to
17 information contained in any personnel, medical or similar file; d) will undermine public trust and

18 confidence in duly constituted authorities in the exercise of judgment call and discretion in any or
19 all risk management and preventive/preemptive actions undertaken. In view hereof, the Authority

20 and all its officers, staff and personnel shall not be compelled to bear witness, report information or
21 testimony in any inquiry or forum of whatever nature called for the purpose unless authorized in

22 writing and within the scope of authorized inquiry by the President of the Republic of the
23 Philippines.

24 e) To administer and implement, subject to existing laws, rules and regulations, the
25 mandate, powers and functions of the Authority: Provided, That the Administrator may designate
26 an officer/employee of the Authority to serve as a law enforcement officer;

1 **f)** To direct and supervise the management, operation, administration of the Authority in
2 complying with the international standards of transportation security measures and to ensure
3 transportation security in accordance with the approved programs, plans, policies, procedures and
4 guidelines. In this regard the Administrator, by way of transportation security regulations, may
5 exact fees, impose penalties, fine, and other charges;

6 **g)** To administer, implement and enforce decisions, orders, fees and transportation security
7 rules & regulations prescribed by law and/or issued by the Authority;

8 **h)** To exercise visitorial and inspection powers over all transportation facilities, complexes,
9 buildings, offices, seaports and airports, tarmacs, wharves, terminals, infrastructure and the likes;
10 and issue travel and mission orders for the foregoing purpose; and coordinate with corresponding
11 transportation entities for the implementation of the same. All transportation operators or entities
12 shall be obliged to accommodate on non-revenue basis the enforcement and regulatory terms duly
13 designated by the Authority for the purpose. All transportation systems must provide within their
14 premises adequate operational office space and quarters for the localized transportation security
15 functions of the Authority;

16 **i)** To undertake researches, studies, investigation and other activities related to
17 contemporary transportation system security and future innovative requirements thereof, on his own
18 initiative or upon instructions of higher authorities, and to submit comprehensive reports and
19 appropriate recommendations to the Secretary of DOTC for his information and action;

20 **j)** To formulate, implement, revise and update inter-modal (air, land & water) national
21 transportation security programs and operational plans;

22 **k)** To prescribe collection procedures and schedules of security fees, fine, rate and charges
23 consistent with prevailing international standards for the use of airports, seaports, terminals and
24 other transportation facilities/infrastructure. The revenue collected thereon shall be deposited to the
25 National Treasury.

26 **l)** To appoint, transfer, suspend, remove or otherwise discipline any subordinate officer or

1 employee of the Authority, subject to Civil Service laws, rules and regulations;

2 **m)** To provide for employees benefit program and policies on promotions subject to
3 existing laws.

4 **n)** To organize or reorganize the structure of the Authority respecting the major bureaus to
5 meet the changing conditions, subject to existing laws & rules on the matter;

6 **o)** To assess threats to transportation security and to receive, assess and distribute on a
7 timely basis, all intelligence information related to transport security;

8 **p)** To develop policies, strategies, and plans in dealing with prevention and management
9 crises and threats to transportation security; and ensure the formulation, installation and
10 enforcement of the national security program in all modes of transportation systems in the
11 Philippines;

12 **q)** To perform such other functions necessary to carry out the provisions of this Act; and as
13 the President of the Philippines or the Secretary of Transportation and Communications may direct.

14 **SEC. 13. Control, Supervision and Delegation of Powers.** - Without prejudice to exercise of
15 powers and functions of existing government agencies involved in transportation security, the
16 Authority shall have jurisdiction in the control over the movement of persons, cargoes, or both
17 within the operational area of any mode of transportation system and shall, therefore, possess
18 authority to prescribe and issue security access passes within any transport operational area. This
19 jurisdiction and power of the Authority shall have precedence over the powers and functions of the
20 government agencies in the interest of national security. Notwithstanding the foregoing and all other
21 provisions of this Act, nothing in this Act shall diminish or render nugatory the powers and
22 authority of other existing government agencies involved in the transportation system/sector.

23 The designated law enforcement officer and personnel of the Authority or those that maybe
24 deputized to carry law enforcement power, shall have the power to effect arrest or take law
25 enforcement action on any criminal act committed within its jurisdiction or in their presence or
26 endorse the records of arrest and apprehension to the local police officer of jurisdiction where the

1 transportation security incident happened.

2 The Authority shall exercise primary jurisdiction over acts of unlawful interference, felony
3 or acts of terrorism committed against any transport system but may delegate or endorse same to
4 any government agency for effective enforcement, who is likewise obliged to accept the same and
5 see its prompt conclusion. The Authority shall have the right to supervise, monitor and coordinate
6 the stages of such investigation.

7 **SEC. 14. *Deputization of Agencies.*** - For purposes of implementing the provisions of this
8 Act, and after prior agreement with agencies involved, selected personnel of the Philippine Coast
9 Guard (PCG), Philippine Ports Authority Police (PPAP), Airport Police, Customs Police; Philippine
10 National Railways Police (PNR Police); Civil Security & Intelligence – Civil Aviation Authority of
11 the Philippines (CAAPSI); and all other government agencies having the primary or incidental duty
12 and function of providing transportation security may be deputized, and shall be under the
13 operational control and supervision of the Authority.

14 **SEC. 15. *Entry Level Into the Authority.*** - The entry eligibility of the Administrator,
15 Deputy Administrator and Bureau Directors for the Authority shall be waived by the Civil Service
16 Commission: Provided, That all technical personnel including Administrator, Deputy Administrator
17 and Bureau Directors must possess basic security training of not less than one hundred (100) hours
18 and extensive experience for at least two (2) years in actual investigation, intelligence and security
19 function or assignment in a non-revenue office or agency.

20 **SEC. 16. *Promotion and Selection Board.*** - There shall be a Promotion Board within the
21 Authority which shall screen and evaluate organic personnel for promotion. Appointment and
22 promotion process shall follow the procedures prescribed in this Act.

23 All positions in the Authority hereinafter created shall be filled up in accordance with the
24 Authority's organizational/administrative and operational structure/ manual, which shall thereto
25 define the qualification standards consistent with the minimum requirements of the Civil Service
26 Commission.

1 The Bureau Directors shall be regularly appointed by the President of the Philippines upon
2 recommendation of the Secretary of the DOTC. However, the Secretary of the DOTC may in the
3 interim and in the exigency of the service, appoint the initial batch of bureau directors upon the
4 recommendation of the Administrator. These appointed Directors shall be the members of the AD-
5 Hoc Committee responsible for the preparation and development of the Implementing Rules and
6 Regulations (IRR) of the Authority covering all aspects of the administration, management,
7 operations, logistics/finance, legal service and policy research, law enforcement, standard measures
8 and practices of transportation security and all other matters affecting or related to the full operation
9 of the Authority, consistent and updated with prevailing technological breakthrough.

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

12 **SEC. 17. *Legal Counsel.*** – The Office of the Solicitor General (OSG) shall be the legal
13 counsel of the Authority.

14 **SEC. 18. *Headquarters, Offices and Location.*** - The Authority shall have its central office
15 and headquarters at the OTS-DOTC office at corner Andrews Avenue & Aurora Blvd. (formerly
16 Tramo Street), Pasay City or at any place in Metro Manila as the Authority may deem proper and
17 appropriate. The Authority may also establish field offices as may be determined in the
18 Implementing Rules and Regulations (IRR).

19 **TITLE III - CRIME OF UNLAWFUL INTERFERENCE**

20 **SEC. 19 *Unlawful Interference.*** - Acts of unlawful interference in transportation systems
21 are intentional or unintentional felonious acts directed upon any transportation system (land, water
22 & air, ports, harbors, infrastructure, hangars, terminals, services or facility), which breach the
23 security or interferes with the secured, efficient, smooth and regular operations of transportation
24 systems, ports, infrastructures, terminals, services or facilities, thereby causing death, physical
25 injuries, danger and property damage/loss in great waste or ruin.

26 **SEC. 20. *Other Acts of Unlawful Interference.*** - Other acts of unlawful interference maybe

1 committed:

- 2 a. By any person or group of persons threatening to cause serious unlawful interference
- 3 with, or actually causing unlawful interference/disruption of a public transport service,
- 4 facility or system, whether public or private by providing material, financial or moral
- 5 comfort except in the furtherance of legitimate protest, grievance or advocacy;
- 6 b. By maliciously reporting an incident, real or imagined, which tend to jeopardize or
- 7 threaten or have jeopardized or have threatened the security of public transportation in
- 8 the Philippines;
- 9 c. By unauthorized release of any classified transport security information;
- 10 d. By failing to sanitize or implement security measures in a transport system;
- 11 e. By abusing transport franchise, permit and other certificates of public convenience;
- 12 f. By not disclosing or reporting information concerning breach in transportation
- 13 security;
- 14 g. By use of vehicles, vessels, sea crafts, any platform propelled or non-propelled and
- 15 aircrafts in the transportation business for the purpose of committing unlawful interference;
- 16 h. By any other act of commission or omission which tend to endanger public security or
- 17 breach the integrity and security of transportation system.

18 **SEC. 21. *Conspiracy or Proposal to Commit Unlawful Interference.*** - There is a

19 conspiracy to commit unlawful interference when two or more persons come to an agreement to

20 commit any act of unlawful interference defined herein and decide to commit it.

21 There is a proposal to commit unlawful interference when a person, who has decided to

22 commit any act of unlawful interference as defined herein, proposes its execution to some other

23 person or persons.

24 **SEC. 22. *Jurisdiction Over Cases Involving Unlawful Interference.*** - The Regional

25 Trial Court (RTC) or the Sandiganbayan, as the case maybe, shall have jurisdiction to try all cases

26 involving unlawful interference in a transportation system.

Those charged with or convicted of acts of unlawful interference are without prejudice to the prosecution for any other act or acts penalized under Republic Act No. 3815, otherwise known as the Revised Penal Code and other existing laws.

SEC 23. Bail. - For offenses covered by this Act, all applications for bail shall be subject to the provisions of the Revised Rules of Court (RRC).

SEC. 24. Provisional Remedies. - After the filing of the crime of unlawful interference and upon a verified motion by the prosecution, the Court shall cause the issuance of a temporary restraining order (TRO), a writ of injunction, a writ of attachment, garnishment or such other equitable relief or issue appropriate order for the tracking, seizure, disabling, disposal, preservation, disarmament or destruction of the things used in the unlawful interference to prevent the same from being removed, concealed, dissipated, destroyed, activated, transferred, assigned or otherwise disposed of during the pendency of the criminal proceedings.

No TRO or writ of injunction against any order, regulation, circular or memorandum or other issuances by any agency can be issued except by the Court of Appeals or the Supreme Court.

SEC. 25. Penal Provisions. - **a)** Penalty for acts of unlawful interference – The penalty of not less than six (6) months to life imprisonment and a fine of not less than Twenty Thousand Pesos (Php20,000.00) and not more than Ten Million Pesos (Php10,000,000.00) shall be imposed upon any person or group of persons convicted under Section 3 of this Act;

b) Penalty for Conspiracy or proposal to commit unlawful interference – The penalty of imprisonment of not less than six (6) years but not more than twelve (12) years shall be imposed upon any person or group of persons convicted under paragraph (a) Section 4 of this Act;

c) Penalty for materially supporting or financing acts of unlawful interference – Penalty of not less than six (6) years but not more than twelve (12) years shall be imposed upon any person or group of persons convicted under paragraph (a), Section 4 of this Act;

d) Penalties for malicious reporting – The penalty of two (2) years imprisonment and a fine of not less than Two Hundred Thousand Pesos (Php200,000.00) but not more than Five Hundred

1 Thousand Pesos (Php500,000.00) shall be imposed upon any person convicted under paragraph (b)
2 Section 4 of this Act;

3 e) Penalties for violations of other provisions of this Act. – The penalty of not less than six
4 (6) months but not more than one (1) year and a fine of not less than Twenty Thousand Pesos
5 (Php20,000.00) but not more than Fifty Thousand Pesos (Php50,000.00) shall be imposed upon any
6 person convicted of the offense involving violation of any other provision of this Act.

7 **TITLE IV – FINAL PROVISIONS**

8 **SEC. 26. Appropriation.** - The amount necessary to carry out the initial implementation of
9 this Act shall be charged against the current year's appropriations for the Office for Transportation
10 Security. Thereafter, the amount necessary for the continued operation of the Authority shall be
11 included in the annual General Appropriations Act. In addition, the appropriation, funding and/or
12 budget of the absorbed agency under Section. 13 of this Act, shall be transferred to the Authority.
13 Appropriation for the succeeding years shall be included in the annual General Appropriations Act.

14 **SEC. 27. Suppletory Effect of the Revised Penal Code.** - The Revised Penal Code shall have
15 a suppletory effect to the provisions of this Act.

16 **SEC. 28. Implementing Rules and Regulations (IRR).** - Within ninety (90) days from the
17 effectivity of this Act, the Authority shall promulgate rules and regulations necessary to ensure the
18 effective implementation of this Act.

19 The Implementing Rules and Regulations (IRR) shall be submitted to the President of the
20 Philippines within one hundred and eighty (180) days from constitution of the Ad Hoc Committee.

21 **SEC. 29. Separability Clause** - The provisions of this Act are hereby declared separable. If
22 any provision or portion thereof shall be held invalid or unconstitutional, the other provisions will
23 remain in full force and effect.

24 **SEC. 30. Repealing Clause.** - All laws, executive orders, letters of instruction, rules and
25 regulations and other issuances, or provisions thereof, which are inconsistent with the provisions of
26 this Act are hereby repealed, amended or modified accordingly.

1 **SEC. 31. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in

2 two (2) national newspapers of general circulation or in the Official Gazette.

3 Approved,