

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 4547

Introduced by Honorable Arturo B. Robes

EXPLANATORY NOTE

The State views with alarm the increasing global threats of terrorist attacks on the transportation system and facilities particularly on air transportation. The September 11, 2001 attacks on the U.S. Pentagon and towers of the World Trade Center in the United States of America, for instance, resulted to a tragic and unnecessary loss of human lives, damage to property and a further global disruption in air commerce operation. The attacks, on a global scale, also diminished public confidence in aviation safety and air travel security measures. The 2003 takeover of the air traffic control tower in NAIA is yet another tragedy with an international repercussion. This could have been averted or, at least, prevented if a unified security management at the NAIA is in place.

These incidents demonstrate the need to adopt and implement comprehensive security measures throughout the country.

The State, likewise, recognizes the vital role of transportation in nation-building as well as the right of the citizenry to a well-secured transportation system. To achieve these ends, the State must devise measures aimed at improving the system of transport security and raise the quality of its systems, practices and operations, in all means and modes of public transportation, to international standards in the country. It must bolster a system of coordination and cooperation among the citizenry and the transportation security managers. More so, it must establish and adopt measures to strictly prevent weapons, explosives or other dangerous persons, elements, devices and cargoes which may be introduced by any means whatsoever, on board a transport system.

International communities like the United Nations, ASEAN, APEC and other regional organizations of nations, have been promoting and placing in operation inter-modal transportation security systems. The Philippines, as a member of the international community of nations, is lagging behind in adopting and setting-up

effective security systems and security enforcement in all ports, terminals and facilities over land, air and water nationwide. It is in the highest national interest, honor and benefit for the Philippines to be in full accord with the other countries' minimum safety and security requirements in public transportation and to be compliant with internationally- accepted standards and practices prescribed for transportation security.

Passage of this Bill is earnestly sought.



HON. ARTURO B. ROBES

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 4547

Introduced by Honorable Arturo B. Robes

AN ACT
PROVIDING FOR A NATIONAL TRANSPORTATION SECURITY ADMINISTRATION,
LEGISLATING THE CREATION OF THE PHILIPPINE TRANSPORTATION SECURITY
AUTHORITY (PTSA), DEFINING ITS POWERS AND FUNCTIONS AND
APPROPRIATING FUNDS THEREFOR.

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

TITLE I
GENERAL PROVISIONS

SECTION 1. *Short Title.* - This Act shall be known as the "Philippine Transportation Security Act of 2011."

SECTION 2. *Declaration of Policy.* - The State recognizes the vital role of public transportation in nation-building, in the promotion of international commerce and domestic trade relations, and in initiating economic growth and comity among nations. In preserving and protecting the rights of its people to a secured public transport system, the State hereby supports and promotes the installation and implementation of a consolidated transportation security management to improve and maintain an effective air, land and water transportation systems.

The State further declares support in the implementation and enforcement of the strictest possible standards in stamping out terrorism, economic sabotage and all acts of unlawful interference that breach the integrity and security of international and domestic transportation systems.

The State finally adopts generally accepted principles of international law and universal recommendations on standards and practices in transportation security measures as part of the laws of the land and adheres to the policy of comity and cooperation.

SECTION 3. *Unlawful Interference.* - Acts of unlawful interference to transportation systems are any intentional or unintentional felonious act or acts directed upon any transportation system (land, water and air, ports, harbours, infrastructure, hangars, terminals, services or facility), which breach the security or interferes with the secured, efficient, smooth and regular operations of a transportation systems, ports, infrastructures, terminals, services or facilities, thereby causing death, physical injuries, danger and property damage or loss in great waste or ruin.

SECTION 4. *Other Acts of Unlawful Interference.* - Other acts of unlawful interference maybe committed:

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

SECTION 5. *Conspiracy or Proposal to Commit Unlawful Interference.* -

There is a conspiracy to commit unlawful interference when two or more persons come to an agreement to commit any act of unlawful interference defined herein and decide to commit it.

There is proposal to commit unlawful interference when a person who has decided to commit any act of unlawful interference as defined herein, proposes its execution to some other person or persons.

SECTION 6. *Jurisdiction Over Cases Involving Unlawful Interference.* - The Regional Trial Court or the Sandiganbayan, as the case maybe, shall have jurisdiction to try all cases involving unlawful interference to 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 the Revised Penal Code or other existing laws.

SECTION 7. *Bail.* - For offenses covered by this Act, the applications for bail shall be subject to the Revised Rules of Court (RRC)

SECTION 8. *Provisional Remedies.* - After filing 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 reliefs, 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 temporary restraining order (TRO) or writ of injunction against any order, regulation, circular or memorandum or other issuances by the appropriate agency pursuant to this Act can be issued but by the Court of Appeals or the Supreme Court.

SECTION 9. *Mandates for Compliance with International Conventions.* - As member of the community of nations and as signatory state to international conventions, it is thereby stated that a single Transportation Security Administrative Agency is created and completely mandated to comply with the provisions of the International Ship and Port Facility Security (ISPS) Code of the International Maritime Organization, particularly Chapter XI-2-Regulation 1, Definitions No. 1 and 4, and Chapter 3 (3.1.2) of

Annex 17 of the Civil Aviation Convention of the International Civil Aviation Organization (ICAO).

SECTION 10. 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 persons convicted under 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 Section 4, Paragraph a 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 Thousand Pesos (Php500,000.00) shall be imposed upon any person convicted under Section 4 Paragraph b of this Act; *Penalties for violation of other provisions of this Act.* The penalty of not less than six (6) months but not more than one (1) year and a fine of not less than Twenty (20) Thousand Pesos but not more than one (1) year and a fine of not less than Twenty (20) Thousand Pesos but not more than Fifty (50) Thousand Pesos shall be imposed upon any person convicted of the offense involving violation of any other provision of this Act.

TITLE II CREATION OF THE “PHILIPPINE TRANSPORTATION SECURITY AUTHORITY”

SECTION 1. Creation and Mandate of the Philippine Transportation Security Authority (PTSA). – There is hereby created a single administrative agency to wholly address and administer the transportation security management of the country to be known as the “Philippine Transportation Security Authority” (Authority for brevity). It shall be an agency attached to the Department of Transportation and Communications (DOTC).

The Authority is hereby designated as the single authority or agency for the security of all modes (air, water and land) of transportation in the country. It shall be organized, trained and equipped to perform law enforcement function in the transportation sector.

The Authority shall render, for law enforcement purposes, reciprocal support, assistance and coordination with the Civil Aviation Authority of the Philippines (CAAP), Philippine Ports Authority (PPA), and 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), Philippine National Police - Maritime Group (PNP-MARIG), Traffic Management Group (TMG), Armed Forces of the Philippines (AFP), Philippine Coast Guard (PCG), Airport Police (AP), Customs Police (CP), Metropolitan 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 management.

The Authority is mandated to formulate, develop, implement, promote and ensure the installation of security regulations, standards, measures, protocols, procedures, practices, policies and charge appropriate fees to include those that are universally acceptable, for the prevention of transportation security incident/disaster; the protection and security of passengers, crews, cargoes, baggage, personnel, facilities and infrastructure, properties and the general public.

SECTION 2. Powers and Functions. - The Authority shall have the following powers and functions:

a. Exercises effective control and supervision over all government agencies performing, coordinating or rendering transportation security services;

b. Take responsibility for the security of all modes and means of transportation systems in the Philippines as exercised by the different government agencies including but not limited to screening of passengers, baggage or cargoes, hiring and retention of transportation security personnel, and training and testing of security screener, inspectors and verifications and audit personnel;

c. Advise the President directly or through the Secretary of Transportation and Communications (SOTC) and/or the National Security Council (NSC) on all matters involving transportation security. In cases of urgency, the Authority, by the Administrator, may report directly to the President on urgent national and international transport security concern;

d. Formulate, develop and promulgate, in coordination with appropriate agencies, comprehensive and standard transportation security plans, policies, regulations, measures, fees and programs to decisively deal with any threat to the security of the transport systems, and continually review, assess and upgrade such plans, regulations, policies, measures, fees, strategies and programs to improve and enhance transportation security and ensure the adequacy of these security measures, fees and programs to improve and update national transportation security upon contemporary concepts and principles;

e. Examine, verify and audit the transport security performance, activities and facilities of all modes of transportation system, and establish transport security standards subject to a continuing review and audit;

f. Prepare and maintain a separate National Transport Security Program, prescribing rules and regulations for the efficient operation of land, air and water/maritime transportation security, including procedures and screening for the issuance of security access pass and the determination of levels of security clearance on transportation facilities and infrastructures;

g. Prescribe transportation security standards in all modes of transportation systems in the Philippines in accordance with existing laws, rules, regulations and international conventions;

h. Exercise law enforcement power, in coordination with existing law enforcement agencies, over all matters involving transport security, isolated or syndicated disruption or unlawful interference upon all modes of transportation system. The Authority may request assistance from law enforcement Agencies and, if exigency warrants, may appoint or deputize their personnel or agencies to carry out its mandate;

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

j. Acquire, purchase, own, administer, lease, mortgage, sell or otherwise dispose of or encumber any real or personal property, equipment, assets and rights in furtherance of its mandate. The Authority shall be exempt from payment of any or all direct and indirect taxes, import fees and charges, capital gains taxes, local and national

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

k. Sue and be sued with its consent;

l. Procure, own, carry firearms, and have the authority to issue mission orders thereon, subject to existing laws, rules and regulations; and

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

SECTION 3. *Administrator and Deputy Administrator: Qualifications, Appointments and Terms of Office.* – The head of the Authority shall be designated as the Administrator with the rank of an Undersecretary, and is responsible for the general administration and management of the Agency. He must be a natural-born citizen of the Philippines, at least forty five (45) years of age, have experience related to transportation security management; at least five (5) years experience in the management of a field directly related to transportation security management or allied services.

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

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

SECTION 4. *Service* . - For purposes of carrying out its duties and powers as provided for in the succeeding Sections, the PTSA shall have the following major services: Civil Aviation Security Service; Maritime Security Service; Land/Rail Security Service; Intelligence and Communications Security Service; Planning, Policy, and Law Service; and Administrative and Finance Service. The service is headed by an Assistant Administrator with the rank of Director IV.

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

b. *Maritime Transportation Security Service (MTSS)* – This shall conduct continuous inspection, monitoring, audit of facilities and operations at all levels of maritime transportation system; shall monitor the implementation of rules and regulations relative to 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 recommendation relative thereto;

c. *Land and Rail Security Service (LRSS)* – This shall conduct continuous inspection, monitoring and audit of facilities and operations at all levels of land and rail transportation systems and shall monitor the implementation of the Authority's projects, programs and regulations relative to security of land and rail transport systems; and conduct investigation on all matters involving illegal acts or unlawful interference committed upon or directed to land and rail transportation systems and submit recommendation relative thereto;

d. *Intelligence and Communications Security Service (ICSS)* – It shall conduct continuous intelligence gathering and evaluation to direct and substantiate policy directions of the Agency. It shall likewise promulgate programs to strengthen the intelligence capability of the Authority in securing the different modes of transportation, including transportation communication systems, facilities, services and infrastructure in the country;

e. *Administrative and Finance Service (AFS)* – It shall provide necessary services relating to finance and administrative matters; keeps records, correspondences, supplies, property, equipment and general services, and the maintenance and utilization of facilities; and provide services relating to manpower, career planning and development, personnel placements and employees welfare;

f. *Planning, Policy and Law Service (PPLS)* – It shall provide strategic and tactical planning covering operations and budgetary allocation and policy formulations

for the agency. As the legal arm of the Authority, draft or study contracts affecting the Authority; review reports relative to investigation conducted by the Authority and submit recommendations pertaining thereto; render legal opinions arising from the administration and operation of the Authority and adjudicate matters affecting the regulatory issuances relative to matters of national policy on civil aviation, maritime and land and rail transportation security;

g. *Transportation Security Training and Development Service (TSTDS)* – It shall formulate, develop, provide and maintain an effective, efficient and continuing training and re-training programs for transportation security personnel and all allied agencies and their personnel who apply standards and recommended level of security for the secured operation of all modes of transportation covering but not limited to screening, verifying, auditing and inspecting of personnel, equipments and facilities involved in providing transportation security. Conduct tests and qualifying procedures for transportation security equipments and such other undertaking to maintain the quality participation/contribution of man and machine in sanitizing the integrity of all modes of transportation from criminal acts. The TSTDB undertakes the training, development and upgrading process of all course materials, monitoring and supervision of other security training entities, liaison and cooperation with other state training institutions, coordination and cooperation with industries and operations for the research and development of new technology and other endeavours which shall be essential to conform with the national security training program, transportation security policy and oversight functions.

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

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

SECTION 5. *Removal and Filling of Vacancy.* - The Administrator may be removed from Office by the Office the President only for a cause in accordance with civil service laws, rules and regulations and due process.

In case of vacancy in the Authority due to death, resignation, removal or permanent disability of the incumbent Administrator, the Deputy Administrator shall

serve as acting Administrator in a concurrent capacity until a new Administrator is appointed, has qualified and assumed office for the full term.

SECTION 6. *Prohibition* - The Administrator, Deputy Administrator, Assistant Administrators and all other officials, officers, entire staff and personnel of the Authority shall not own stock in or bonds of a transportation or security enterprise or in an enterprise that manufactures equipment that could be used for transport security purposes.

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

SECTION 7. *Membership in National Security Council*. - The Administrator or his duly qualified representative/designate possessing the same high qualification is hereby designated as member of the National Security Council and reports directly to the President of the Philippines regarding sensitive transportation security information.

SECTION 8. *Functions, Powers and Duties of the Administrator*. - The Administrator shall have the following functions, powers and duties:

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

b. The power to promulgate rules, regulations and thereto charge fees, penalties, administrative fines, and such other charges and sanctions to effectively implement the provisions of this Act;

c. The sole and unilateral responsibility to determine sensitive security information (SSI). The Administrator prohibits the disclosure of information, files or records or data of any sort, if in his opinion, the disclosure of such information is: (a) detrimental to the security of persons and things in transportation; (b) will reveal trade secrets or privileged or confidential information obtained from any person, natural or juridical; (c) will constitute unwarranted invasion of privacy of persons, including but not limited to information contained in any personnel, medical or similar file; and (d) will 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/pre-emptive actions undertaken. In view hereof, the Authority and all of

its officers, staff and personnel shall not be compelled to bear witness, report, information or testimony 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. To administer and implement, subject to existing laws, rules and regulations, the mandate, powers and functions of the Authority, provided that, the Administrator may designate an officer/employee of the Authority to serve as a law enforcement officer;

e. To direct and supervise the management, operation, administration of the Authority in complying with the international standards of transportation security measures and to ensure transportation security in accordance with the approved programs, plans, policies, procedures and guidelines. In this regard, the Administrator, by way of Transportation Security Regulations, may exact fees; impose penalties, administrative fines, and other charges;

f. To administer, implement and enforce decisions, orders, fees and transportation security rules and regulations prescribed by law and/or issued by the Authority;

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

h. To undertake researches, studies, investigations and other activities related to contemporary transportation system security and future innovative requirements thereof, on his own initiative or upon instructions of higher authorities, and to submit comprehensive reports and appropriate recommendations to the Secretary of the Department of Transportation and Communications for his information and action;

i. To formulate, implement, revise and update inter-modal (air, land and water) National Transportation Security Programs and Operational Plans;

j. To prescribe collection procedures and schedules of security fees, rate and charges consistent with prevailing international standards for the use of airports, seaports, terminals and other transportation facilities/infrastructure. The revenue collected thereon shall be reported to the Philippine Treasury and shall thereafter be disbursed by the Authority for the continuing support and upgrading the administration, operation and services of the Authority, and for effectively carrying out the mandates of this Act, subject to existing auditing and accounting laws, rules, regulations and procedures;

k. To appoint, transfer, suspend, remove or otherwise discipline any subordinate officer or employee of the Authority, subject to civil service laws, rules and regulations;

l. To provide for employees benefit program and policies on promotions subject to existing laws;

m. To organize or reorganize the structure of the Authority to meet the changing conditions, subject to existing laws and rules on the matter;

n. To assess threats to transport security and to receive, assess and distribute on a timely basis, all intelligence information related to transport security;

o. To develop policies, strategies, and plans for dealing with prevention and management crises and threats to transportation security; and ensure the installation and enforcement of the national security plan in all transportation systems in the Philippines; and

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

SECTION 9. Police Control, Supervision and Delegation of Powers. - Without prejudice to exercise of authority of other government agencies, the Authority shall have jurisdiction in the control over the movement of persons, cargoes, or both, within the operational area of any mode of transportation system and shall, therefore, possess authority to prescribe and issue security access passes within any transport operational area. This jurisdiction and power of the Authority shall have precedence over the powers and functions of the government agencies in the interest of national security.

The designated law enforcement officer and personnel of the Authority or those that maybe deputized to carry law enforcement power, shall have the power to effect arrest or take law enforcement action on any criminal act committed within its jurisdiction or in their presence and may endorse the records of arrest and apprehension to the local police officer of jurisdiction where the transport system security incident happened. Incidental matters that may be uncovered and which may pertain to another office, agency, bureau or division, holding or operating within the transportation facilities and complexes must be reported to the appropriate enforcement agencies and the same may be subjected to direct control and police action by the operatives and elements of the Authority.

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

SECTION 10. *Personnel Complement.* - For purposes of implementing the provisions of this Act, personnel unit/offices of the Philippine Coast Guard, Philippine Ports Authority Police (PPAP), Airport Police, Customs Police, PNP Maritime Group, PNP-Aviation Security Group; PNP Traffic Management Group; Philippine National Railways Police; Civil Security Unit - Air Transportation Office (CSU-ATO), and all other government agencies having the primary or incidental duty and function of providing transportation security may be under the supervision of the Authority.

Provided, that, subject to the limitations of this Act, Executive Order No. 277 and Executive Order No. 311, the Office for Transportation Security under the Department of Transportation and Communications (OTS-DOTC) is hereby abolished and the present officers and staff of the said Office (OTS-DOTC) are hereby absorbed and shall serve as the initial officers and personnel complement of the Authority.

SECTION 11. *Entry Level into the Authority.* - The entry eligibility of the absorbed personnel for the Authority, including the Administrator, the Deputy Administrator and the Assistant Administrators shall be waived by the Civil Service Commission, provided that the absorbed personnel possesses equivalent qualifications in terms of training in basic security of not less than one hundred (100) hours and extensive experience for at least two (2) years in actual investigation, intelligence and security function or assignment in a non-revenue generating office or agency.

SECTION 12. *Promotion and Selection Board.* - There shall be a promotion Board within the Authority which shall screen and evaluate organic personnel for promotion. Appointment and promotion process shall follow the procedures prescribed in this Act.

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

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

There shall be a Promotion and Selection Board, which shall recommend to the Administrator, the appointment of all other personnel not herein provided.

SECTION 13. *Transfer of Existing Facilities.* - All existing facilities, equipment and all other assets and properties, rights, interests and privileges belonging to the Office for Transportation Security (OTS) and such other units/agencies performing transport security functions that may be absorbed by the Authority, are hereby transferred to the Authority. Immediately upon appointment and assumption of powers and authority by the Administrator, all financial and logistical resources, facilities, and equipment shall be released and put under the control of the Authority. All organizations and agencies that may be absorbed by the Authority in the future shall use funds and resources of the Authority upon enactment of this Act.

SECTION 14. *Transfer of Personnel, Facilities, Equipment, Property and Other Assets.* - The Deputy Administrator and Assistant Administrators/Directors of the

absorbed OTS-DOTC shall be the members of the Ad Hoc Committee to draft the Implementing Rules and Regulations of this Act, provided that officials and employees of the absorbed agencies may continue to serve in their official capacity with the Authority if duly qualified and appointed in accordance with CSC laws, rules and regulations on eligibility.

Immediately upon completion of the Implementing Rules and Regulations (IRR) of this Act, the absorption process shall commence.

SECTION 15. Headquarters, Offices and Location. - The Philippine Transportation Security Authority (PTSA) shall have its office at the present headquarters of the Office of Transportation Security (OTS).

SECTION 16. Appropriation. - The amount necessary to carry out the initial implementation of this Act shall be charged against the current year's appropriation for the Office for Transportation Security (OTS). Thereafter, the amount necessary for the continued operation of the authority shall be included in the annual General Appropriation Act excepting those automatically allocated pursuant to law.

SECTION 17. Suppletory Effect of the Revised Penal Code. - The Revised Penal Code shall have a suppletory effect to the provisions of this Act.

SECTION 18. Legal Counsel - The Office of the Solicitor General (OSG) shall be the legal counsel of the Authority.

SECTION 19. Implementing Rules and Regulations (IRR). - Within ninety (90) days from appointment, the Administrator shall promulgate rules and regulations necessary to ensure the effective implementation of this Act. The Implementing Rules and Regulations (IRR) shall be accomplished and recommended for approval by the President of the Philippines within one hundred and eighty (180) days from constitution of the Ad Hoc Committee.

SECTION 20. Repealing Clause. - All laws, executive orders, letters of instruction, rules and regulations and other issuances, or provisions thereof that are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

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

SECTION 22. *Effectivity.* - This Act shall take effect after fifteen (15) days following its publication in two (2) national newspapers of general circulation or in the Official Gazette, which ever comes first.

Approved