

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

**SIXTEENTH CONGRESS**  
First Regular Session

HOUSE BILL NO. **4259**



Introduced by Honorable ARNULFO F. GO

**EXPLANATORY NOTE**

Transportation has and always will be the life blood of any nation, and the Philippines is no exception. Transportation's role in the country is made more important considering our nation's archipelagic nature. One has to consider inter and intra movement of goods, services and people between and among islands. And also to be considered are movements from our country to another country and vice versa. Transportation is so vital in our country's growth that it needs to be safeguarded against internal or external threats.

This security concern for our transportation sector is even made more prominent in the light of various acts of lawlessness or terroristic activities in Mindanao. The unabated movement of unlawful elements and activities make it appear that our security is almost non-existent. If a stronger and more comprehensive security structure is in place, these movements can be minimized if not eliminated.

Our country is signatory to various international conventions with regards to transportation security which is why our security structure needs to be upgraded and improved to international standards.

It is in this light that this bill is earnestly sought to be passed as this will address the need to integrate various security plans from different agencies, make more accountable the office that handles security concerns and ensure the safety of our people.

Thus, the creation of the Philippine Transportation Security Authority (PTSA) is urgently prayed.

  
Rep. ARNULFO F. GO  
2<sup>nd</sup> District, Sultan Kudarat

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**AN ACT**  
**PROVIDING FOR A COMPREHENSIVE TRANSPORTATION**  
**SECURITY PROGRAM, CRIMINALIZING ACTS OF UNLAWFUL**  
**INTERFERENCES IN THE TRANSPORTATION SYSTEM, CREATING**  
**FOR THE PURPOSE 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 Provision**

**SEC. 1. Short Title.** – This Act shall be known as the "*Philippine*  
*Transportation Security Act of 2013*".

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

likewise fostering state of the art security measures in the country's transportation systems.

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

## **Title II**

### **Unlawful Interference, Others**

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

a) Unlawful interference which refers to acts or omissions that breach the security or interfere with the efficient, smooth and regular operation of transportation systems, ports, airports, terminals, services or facilities, thereby causing death, physical injury, damage to, or loss of property;

b) Providing material, financial or moral support in aid of unlawful interference in a public transport service, facility or system except in the furtherance of legitimate protest, grievance or advocacy;

c) Malicious reporting of incident or releasing, without authority, any classified transport security information, which may jeopardize the security of public transportation systems in the Philippines;

d) Failure or refusal to implement transportation security regulations in a public transport system as required by this Act;

e) Abuse the use of public transport franchise, permit and other certificates of public convenience; and

f) Failure or refusal to disclose, or report information concerning breach in transportation security.

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

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

### **Title III- Creation of the**

#### **Philippine Transportation Security Authority (PTSA)**

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

1           a)     It shall secure, safeguard and protect all modes of air, land and  
2 water transportation in the country as a law enforcement agency;

3           b)     Render reciprocal support, assistance and coordination with the  
4 Civil Aeronautics Board (CAB), the Air Transportation Office (ATO), Philippine  
5 Ports Authority (PPA), Maritime Industry Authority (MARINA), Subic Bay  
6 Metropolitan Authority (SBMA), Cebu Ports Authority (CPA), Bases  
7 Conversion Development Authority (BCDA), Philippine Veterans Investment  
8 and Development Corporation (PHIVIDEA), Land Transportation Office (LTO),  
9 Land Transportation Franchising Regulatory Board (LTFRB), Philippine  
10 National Police-Aviation Security Group (PNP-ASG), Maritime Group (PNP-  
11 MARIG), Traffic Management Group (PNP-TMG), Armed Forces of the  
12 Philippines (AFP), Philippine Coast Guard (PCG), Airport Police (AP),  
13 Customs Police (CP), Metro Manila Development Authority (MMDA), Light  
14 Rail Transit Authority (LRTA), Philippine National Railways (PNR), Metro Rail  
15 Transit (MRT 3 Office), Autonomous Region for Muslim Mindanao (ARMM)  
16 and such other agencies related to transportation security;

17          c)     Formulate, develop, issue and implement security standards,  
18 security regulations and measures, international protocol, procedures,  
19 practices and policies including universally accepted standards for the  
20 prevention of security risks and incidents; and

21          d)     Collect fees and impose fines for the prevention of  
22 transportation security risk/incident and for the protection and security of  
23 passengers, crews, cargoes, baggage, personnel, transportation facilities,  
24 infrastructures and such other incidents of transportation security.

25           **SEC. 7. Powers and Functions.** – The PTSA shall have the following  
26 powers and functions:

1           a) As a law enforcement agency, it shall likewise exercise  
2 supervision, control and regulations over all law enforcement and security  
3 agencies engaged in providing transportation security service and over all,  
4 matters involving transportation security risks and for this purpose, coordinate  
5 with the Philippine National Police and other law enforcement agencies;

6           b) Ensure safe and efficient security measures exercised by the  
7 different government agencies involved in transportation services, including  
8 but not limited to, the inspection of passengers, baggage and cargoes as well  
9 as the hiring and training of personnel in security screening, inspection,  
10 verification and audit;

11           c) Determine tariffs, fares, rates, charges, and fees as it may deem  
12 necessary for air, land and water transport security services and prescribe the  
13 manner by which fees shall be paid and collected, subject to the provisions of  
14 this Act, notwithstanding any laws to the contrary;

15           d) Formulate a comprehensive and consolidated transportation  
16 security management program and renew and update the same annually in  
17 coordination with other government agencies concerned;

18           e) Promulgate and issue rules and regulations governing the  
19 technical, economic, and security aspects of the transport system for the  
20 security, safety, benefit and interest of the public;

21           f) Prepare and adopt a comprehensive and separate (air, land and  
22 water) National Transport Security Program, likewise prescribing rules and  
23 regulations for the issuance of security access pass and the determination of  
24 levels of security clearance for all air, land and water transportation facilities  
25 and infrastructures;

g) Conduct the investigation of any unlawful act of interference against public transportation system, facilities and infrastructures, and file & litigate appropriate charges related thereto and effect the arrest of offenders in accordance with law;

h) Acquire, purchase, own, administer, lease, mortgage, sell, encumber or otherwise dispose of personal and real properties, equipment, property rights and interest therein;

i) Sue and be sued in its corporate name;

j) Procure, own and carry firearms and issue mission orders thereon, subject to existing laws rules and regulations;

k) Determine the organizational structure of the Authority, establish a human resources management system based on merit and fitness, and adopt a rational compensation and benefit scheme;

l) Receive and assess intelligence information related to transport security threats;

m) Develop policies, plans and strategies against transportation security threats and ensure the enforcement of national transportation security programs for all air, land and maritime transportation systems in the Philippines; and

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

**SEC. 8. National Transportation Security Committee (NTSC). –**

There is hereby created a National Transportation Security Committee composed of the following: The Secretary of The Department of Transportation & Communication as Chairman; The Secretary of the Department of Interior & Local government as Co-Chairman; The Secretary of

the Department of Public Works and Highways; The undersecretary & Administrator of PTSA as Vice-Chairman and the following as members; Asst. Secretary, Air Transport Office; Assistant Secretary, Land Transportation Office; General Manager, Manila International Airport Authority; General Manager, Cebu International Airport Authority; General Manager, Subic Bay International Airport Authority; General Manager, Clark International Airport Authority; Chairman, Metro Manila Development Authority (MMDA); Chairman, LTFRB; Director, PNP-TMG; General Manager, Philippine National Railways (PNR); Administrator, Light Rail Train Authority (LRTA); GM, Metro-Rail Train Authority (MRTA); GM, PPA, Executive Director, Toll Regulatory Board; Commandant, Phil Coast Guard; GM, MARINA; GM, Phil. Ports Authority; GM, Cebu Port Authority; Flag Officer In Command, Philippine Navy; Commissioner Bureau of Immigration; Commissioner, Bureau of Customs; Director General, National Intelligence Coordinating Agency; Group Commander, Presidential Security Group;

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

a) Define and allocate tasks and coordinate activities among the agencies of the government, airport authorities, aircraft operators and other entities concerned with or responsible for the implementation of the various aspect of transportation security administration.

b) Coordinate security activities among the agencies of the government, airport and seaport authorities, aircraft and sea-craft operators, terminals and bus & train operators or entities concerned with or responsible for the implementation of the National Transportation Security program.

1 c) Provide comprehensive policy guidance for the promotion and  
2 development of the transportation security as provided in this Act;

3 d) Define and allocate tasks for the implementation of the security  
4 program;

5 e) Ensure through the PTSA that each airport, seaport or terminals  
6 shall establish and implement a written security programme appropriate to  
7 meet the requirements of the national transportation security program; and

8 f) Submit an annual report to the President of the Philippines.

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

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

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

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

1           **Sec. 12 Powers and Functions of the Administrator.** –The  
2 Administrator shall have the following powers and functions:

3           a) Execute, administer and implement the objectives, policies, and  
4 programs of the Authority and enforce decision, orders, rules and regulations  
5 approved or prescribed by the Board of Directors;

6           b) Determine sensitive security information and prohibit the  
7 disclosure of information, files of records or data of any sort, if in his opinion,  
8 the disclosure of such information shall, (I) be detrimental to the security of  
9 persons and things in the transportation sector; (II) reveal trade secrets,  
10 privileged or confidential information obtained from any person, natural or  
11 judicial; (III) constitute unwarranted invasion of privacy of persons, including  
12 but not limited to, information contained in any personnel, medical or similar  
13 file; (IV) undermine public trusts and confidence in duly constituted authorities  
14 in the exercise of judgment calls and discretions in any or all risk  
15 managements or preventive or preemptive actions undertaken.

16           In view hereof, the officials and employees of the Authority shall not  
17 be compelled to be a witness, report, inform, or testify in any inquiry or forum  
18 of whatever nature called for the purpose unless authorized in writing and  
19 within the scope of authorized inquiry by the President of the Republic of the  
20 Philippines.

21           c) Direct and supervise the management, operations, and  
22 administration of the Authority in accordance with international standards of  
23 transportation security, and impose fines, penalties and similar sanctions for  
24 any violation thereof;

25           d) Exercise visitorial/ inspection powers in all areas within the  
26 jurisdiction of the Authority including but not limited to transportation terminals,

stations and buildings, offices, seaports and airports, tarmacs, wharfs and similar infrastructures and issue travel and mission orders for the purpose;

e) Undertake research studies, investigations and other activities related to contemporary transportation system security and future innovative requirements thereof, on his own initiative or upon instruction of higher authorities, and to submit comprehensive reports and appropriate recommendations to the Board for proper action;

f) Formulate, develop, implement, revise and update the Air, Land and Maritime National Transportation Security Programs and Operational Plans or Manual;

g) Prescribe collection procedures and schedules for security fees, rates and charges consistent with prevailing with international standards for the use of airports, seaports, terminals and other transportation facilities or infrastructures. The revenues collected thereon shall be reported to the National Treasury and shall thereafter be disbursed by the Authority for the continuing support and upgrade of the administration, operation and services of the Authority to effectively carry out the objectives of this Act, subject to existing auditing and accounting laws, rules, regulations and procedures;

h) Appoint, transfer suspend, remove or otherwise discipline any subordinate officer or employee of the Authority, subject to Civil Service laws, rules and regulations; and

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

**SEC. 13. Removal for Cause.** – The Administrator may be removed from office for cause as provided by law. In case of death, resignation, removal or permanent disability of the Administrator, the Deputy Administrator

1 shall act as Administrator in a concurrent capacity until the Administrator shall  
2 have been appointed and qualified.

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

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

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

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

24 b) **Maritime Security Bureau (MARSB).** – The Maritime Security  
25 Bureau shall conduct continuous inspection, monitoring, and audit of maritime  
26 transportation facilities and operations; formulate plans, policies, programs

1 and implement rules and regulations for the security of maritime  
2 transportation; and conduct investigation on all matters involving illegal acts or  
3 unlawful interference committed upon or directed to maritime transportation  
4 facility and submit its recommendations to the Administrator;

5 c) **Road and Rail Security Bureau (RARSB).** – The Road and  
6 Rail

7 Security Bureau shall conduct continuous inspection, monitoring, and audit of  
8 road and rail transportation facilities and operations; formulate plans, policies,  
9 programs and implement rules and regulations for the security of road and rail  
10 transport systems; and conduct investigation on all matters involving illegal  
11 acts or unlawful interference committed upon or directed to road and rail  
12 transportation systems and submit its recommendations to the Administrator;

13 d) **Intelligence and Communications Security Bureau (ICSB).** -

14 The Intelligence and Communications Security Bureau shall provide the  
15 Authority with intelligence reports and information on the extent of security  
16 risks and threats affecting all modes of transportation; develop programs to  
17 strengthen the intelligence capability of the Authority in securing the different  
18 modes of transportation including transportation communication systems,  
19 facilities, services and infrastructures in the country;

20 e) **Financial Management & Administrative Bureau (FMAB).** –

21 The Financial Management & Administrative Bureau shall advise and assist  
22 the Administrator on budgetary, financial and management matters. It shall  
23 likewise provide the Authority with efficient and effective services relating to  
24 personnel, information, records, delivery and receipt of correspondence,  
25 supplies, property, equipment, maintenance and utilization of facilities; and  
26 provide services as may be provided by law;

1           f)     **Legal, Enforcement, Policy Research and Adjudication**  
2                    **Bureau**

3     **(LEPAB).** – The Legal, Enforcement, Policy Research and Adjudication  
4     Bureau shall provide the Authority with efficient and effective legal advice and  
5     opinion concerning the operation of the Authority; prepare contracts and  
6     instruments to which the Authority is a party; review reports relative to  
7     investigation conducted by the Authority and submit recommendations  
8     pertaining thereto; Enforce and litigate transportation security law, rules and  
9     regulations; adjudicate matters affecting the implementation of the rules and  
10    regulations on national policy for all aviation, maritime and land transportation  
11    security;

12           h)     **Institute for Transportation Security Training         and**  
13            **Development (ITSTD).** – The Institute for Transportation Security Training  
14            and Development shall formulate, develop, provide and maintain an effective,  
15            efficient and continuing training program for transportation security personnel;  
16            conduct tests and qualifying procedures for transportation security equipment;  
17            undertake the training development and upgrade all course materials on  
18            security training programs and transportation security policies.

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

24           **SEC. 17.   Law Enforcement.** – The Administration shall have the  
25           power to exercise law enforcement function, as it may deem necessary, to  
26           carry out its functions and attain its purposes and objectives: Provided, that

the Administration may request the assistance of any law enforcement agency, including request for deputation as may be required. Such function shall be exercised in relation to the following: providing public safety, maintaining peace and order, ensuring the security of passengers, crew, cargo and buildings, installations equipment and machinery; regulating and controlling entry into, and exit from, and movement within controlled areas; supervising private security guards, and enforcing rules and regulations of the Administration.

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

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

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

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

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

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

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

18       **SEC. 22. Transitory Provisions.** – The Office for Transportation  
19       Security (OTS) under the Department of Transportation and Communications  
20       is hereby abolished. The officials and employees of the OTS shall be  
21       absorbed into the PTSA on the basis of merit and fitness and shall serve as  
22       the initial personnel complement of the Authority; Provided, That the  
23       Administrator, the Deputy Administrator and the Directors that may be  
24       absorbed under this Act, shall be exempt from eligibility requirements of the  
25       Civil Service Commission upon entry into the Authority; Provided, however,  
26       That the said personnel shall have at least one hundred (100) hours of basic

1 security training and at least two (2) years of extensive experience in actual  
2 investigation, intelligence and security functions or assignments.

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

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

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

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

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

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

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

3           **Approved,**

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